

Environment & Climate News

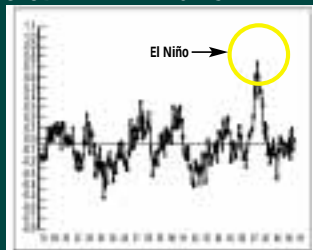
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THE MONTHLY NEWSPAPER FOR NEW-ERA ENVIRONMENTALISTS

Vol. 4 No. 10 ~ October 2001

Is this global warming?

GLOBAL TEMPERATURES



Each month, *Earth Track* updates the global averaged monthly satellite measurements of the Earth's temperature. See page 3

ESA blamed for firefighter deaths

BY JAMES M. TAYLOR

An investigation into the July 10 "30-mile fire" in central Washington state has uncovered that the Endangered Species Act (ESA) played a central role in the deaths of four young firefighters combating the blaze.

The U.S. Forest Service initially denied that environmental concerns had anything to do with the July 10 events, but then changed its story after evidence showed a largely contained fire had flared up to an uncontrolled emergency after firefighters were denied necessary water due to concerns over endangered fish living in a local river.

After the fire flared up, the four firefighters were cornered by flames in a narrow canyon and were killed by the flames before permission was finally granted to scoop water from the local river.

Salmon, trout delay water delivery

An elite firefighting crew had initially brought the fire under control and was awaiting the arrival of a promised water delivery helicopter to put a final conclusion to the flames. At 9:00 a.m., the specialists yielded the scene to a green "mop-up" crew of approximately 20 young firefighters. With the fire under control and the final water delivery due within the hour, the situation was deemed safe for the relatively inexperienced crew.

However, the helicopter was delayed several hours while Forest Service officials debated the environmental ramifications of scooping water from the nearby Chewuch River. The Chewuch River contains endangered salmon and trout, and

FIRE continued on page 6

Whitman requires Hudson dredging

Ratification of last-minute Clinton decree creates nation's most expensive Superfund site

BY JAMES M. TAYLOR

Pulling out of last-minute negotiations for a compromise solution, Environmental Protection Agency Administrator Christie Whitman announced on August 1 the agency would require the General Electric Company to pay over half a billion dollars to dredge a 37-mile stretch of the Hudson River for PCBs (polychlorinated biphenyls).

The decision was made despite scientific evidence showing the river is healthy and had already cleaned itself of a vast majority of PCBs, deposited by GE at a time when such deposits were lawful.

Proponents of the dredging claimed a significant victory and immediately set their sights on requiring still larger PCB dredging projects in other parts of the country. The decision is unprecedented in scope and creates the largest and most expensive Superfund site in the nation.

History of PCBs in the Hudson

In 1947, GE began using PCBs to insulate electric capacitors in a way that prevented them

from catching fire. As a result of this safety advance, PCBs were considered "miracle chemicals" and were instrumental in allowing electric companies to provide safe power to suburban and rural Americans.

GE operated plants in Port Edward and Hudson Falls, New York, both on the upper Hudson River north of Albany, that discharged

PCBs into the river. At the time, there was no scientific evidence that PCBs were harmful, and GE discharged the chemicals in accordance with federal and state environmental laws.

By 1977, however, studies of laboratory animals injected with excessive and prolonged doses of

HUDSON continued on page 14



PCB oils used in the manufacturing of industrial capacitors at General Electric facilities seeped into the Hudson River during a period before 1977 when PCB materials were considered to be safe. In August, the Environmental Protection Agency announced a \$460 million plan for dredging PCBs from the upper Hudson. Photo/ William Waldron, Newsmakers

Bush energy plan clears first hurdle

President prevails on ANWR, CAFE

BY JAMES M. TAYLOR

President George W. Bush's national energy policy cleared its first major hurdle August 2 when the U.S. House of Representatives gave its stamp of approval to the measure. The House made some adjustments to the President's proposal, but the end product was largely similar to what Bush had outlined in May.

The two most contentious issues were Bush's plan to open up a small portion of the Arctic National Wildlife Refuge (ANWR) for natural resource recovery and a Democratic attempt to add significantly tougher light-truck fuel efficiency requirements to the Bush proposal. On both issues, the President prevailed in keeping the House bill substantially similar to the plan he had earlier submitted.

Limited drilling allowed in ANWR

Key to the Bush proposal is oil recovery in the

Arctic National Wildlife Refuge. Despite broad speculation that the proposal was dead on arrival in Congress, the President parlayed strong support from the Teamsters and the AFL-CIO into a surprise victory. In a 223 to 206 vote, the House voted to allow recovery on a 2,000-acre plot of land, down from the 1.5 million acres requested in the President's initial proposal.

"It's an irony that on [this] victory, it is labor that put him over the top in the House," stated Rep. Edward Markey (D-Massachusetts).

"We support it because it puts our mem-

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Environment & Climate News

EDITORIAL OFFICES

The Heartland Institute

19 South LaSalle

Suite 903

Chicago, Illinois 60603

312/377-4000 voice • 312/377-5000 fax

email think@heartland.org

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Robert C. Balling Jr. Ph.D., Bonner Cohen,

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Environment & Climate News is published 12 times per year by The Heartland Institute. Subscriptions are free to U.S. residents and \$24 per year for foreign residents. Order online at www.heartland.org. Heartland is a nonprofit and nonpartisan public policy research organization serving the nation's federal and state elected officials, journalists, Heartland Members, and other opinion leaders. Its activities are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

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Congress preempts EPA in mandating new arsenic standards

BY JAMES M. TAYLOR

A close vote in the U.S. House of Representatives and a near-unanimous vote in the U.S. Senate have forced the Bush administration's hand on the issue of arsenic levels in drinking water.

The House voted 218-189 on July 27 to prevent the Environmental Protection Agency from softening the drinking water standard set by the Clinton administration just hours before former President Clinton left office. On August 1, the Senate passed a similar measure by a 97-1 vote after Senator Pete Domenici (R-New Mexico) announced he would introduce legislation requiring federal financial assistance for communities required to upgrade their water systems to meet the new arsenic standard.

Arsenic, a naturally occurring substance, is the 20th most common element in the Earth's crust and the 12th most common element in the human body. Most of the arsenic found in water supplies has entered the water through natural processes.

The current arsenic standard, which has been in place since 1942, allows 50 parts per billion (ppb) in drinking water. However, after studies showed an increase in cancer risks to persons exposed to extremely high levels of arsenic for prolonged periods of time, the National Academy of Sciences (NAS) in 1999

recommended, noting the NAS studies focused on unusually severe and prolonged arsenic exposure. The NAS did little to cast doubt on the much lower current arsenic levels mandated by current law, the scientists contended.

The NAS did not recommend a specific new arsenic level, but the Clinton administration announced an 80 percent reduction, from 50 ppb to 10 ppb, on the final night of Clinton's Presidency.

The Clinton proposal was particularly troublesome to western states, which have higher levels of naturally occurring arsenic in their drinking water. Studies have indicated many rural towns would be bankrupted in attempting to meet the new federal standards. Tom Curtis of the American Water Works Association estimated it could cost as much as \$4.5 billion to build sufficient arsenic treatment units throughout the country, and another \$20 million per year to operate the systems.

In March, the Bush administration announced it would withdraw Clinton's eleventh-hour rules. On April 18, EPA Administrator Christie Whitman elaborated on the decision, indicating she would seek a postponement of the new rule until next February, when the NAS will have had a chance to review new arsenic studies.

Whitman announced in July that EPA was seeking public comment on a 20 ppb standard. The announcement seemed to indicate a developing compromise accepting drastically lower arsenic levels, but not quite the 80 percent reduction proposed by the Clinton administration.

Congress emasculates EPA's discretion

Preempting the imminent compromise, the House voted to approve a measure sponsored by Rep. David Bonior (D-Michigan) blocking the Bush administration from delaying or softening the Clinton standards. The vote broke down largely along party lines, although 19 Republicans switched sides to join the Democrats.

"This was a clear statement that people don't want arsenic in their water," stated Grant Cope, staff attorney for Ralph Nader's U.S. Public Interest Research Group.

Rep. Doug Bereuter (R-Nebraska) countered that Democrats had resorted to "heated rhetoric, wild exaggerations, and sound-bite politics" to pass "a very arbitrary decision based on questionable studies."

"While the Clinton standard was pushed out in a hurry, the Bush administration had begun a process to promote a standard based on sound science and to ensure that low-income communities are not overwhelmed by a needlessly expensive standard. It is a

"[I]t could cost as much as \$4.5 billion to build sufficient arsenic treatment units throughout the country, and another \$20 million per year to operate the systems."

shame that members of the House of Representatives don't think the agency should have just a few more months to complete that process," said Angela Logomasini of the Competitive Enterprise Institute.

The Senate followed the House's lead, buoyed by Domenici's vow to help local communities meet the costs of the new standard. While the language of the Senate bill did not specifically mandate Clinton's 10 ppb standard, it explicitly called for the Bush EPA to immediately impose new arsenic regulations. The proposal was widely viewed as an endorsement of the House vote.

In light of Domenici's promise to federally fund the program, the proposed action is "an appropriate way to deal with arsenic in drinking water," concluded Senator Christopher Bond (R-Missouri).

"Arsenic, a naturally occurring substance, is the 20th most common element in the Earth's crust and the 12th most common element in the human body."

recommended the standard be revised downward "as quickly as possible."

Many scientists disagreed with the NAS rec-

Arsenic a "hot button" for Senator Clinton

Senator Hillary Clinton on July 19 slashed out at the Bush administration for failing to quickly reduce arsenic levels in drinking water.

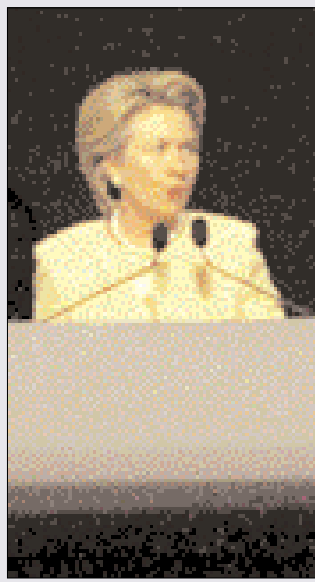
"I can't mention the word arsenic without also saying how troubled I and so many others were about the Bush administration's delay in implementing tougher standards," stated the senator, referring to the standards former President Bill Clinton proposed on the evening of his final day in office.

Addressing the delay that President Clinton himself exercised in proposing the controversial new standard, Senator Clinton acknowledged, "I know one of the reasons, and it was a legitimate reason, is that it would be

expensive for many of the communities facing this challenge to do on their own."

In conjunction with her criticism of the Bush administration's handling of the arsenic issue, Senator Clinton additionally proposed an eight-point national agenda to combat "hidden health hazards" such as arsenic, chemicals used in wood treatment, and other environmental chemicals.

Senator Clinton further proposed placing federal environmental health officers in every state's public health department, with the twin goals of keeping tabs on the states' environmental compliance efforts and assisting environmental activist groups at the grassroots level.



Why the arsenic standard should not be changed

***A living fossil among regulations
shows how safety, reason, and
good science can coexist***

BY GERHARD STÖHRER

A strange thing happened in the last days of the Clinton administration: The Environmental Protection Agency rushed to set a new arsenic drinking water standard.

For the previous eight years of the Clinton administration, and the 30 years of the EPA era, the existing arsenic standard was not deemed in need of change. Suddenly, EPA calculates cancer risks from arsenic as high as 1 in 100. If the risks were real, more Americans would die from arsenic than from all other regulated chemicals combined.

This is a classic example where the public is being told only half the story on an important issue. In fact, EPA has so completely perverted the science advice process and freedom of the press that a Presidential Commission on Arsenic—essentially a truth commission and now under consideration by the Bush administration—appears the only way out.

Insiders have known for 30 years that the arsenic standard is a living fossil within EPA's regulatory structure, left over from a more reasonable regulatory epoch. The very existence of this standard contradicts everything EPA has been telling the public about cancer risk and the extreme measures EPA uses to regulate such risk.

A real danger ... at high exposures

Arsenic can be a real cancer-causing chemical, one that has caused about 1,000 reported cases of real cancer worldwide, in addition to about 10,000 cases of non-cancerous skin disease. None of the other chemicals regulated at such extravagant cost can point to a single case of cancer that is unequivocally linked to a chemical, the way these 1,000 arsenic cancers are. But all these cancers occurred in a small number of outbreaks where arsenic levels greatly exceeded 250 ppb.

Where are EPA's statistically calculated cancer deaths at low levels? According to EPA's num-

bers, there should be at least a million cases of arsenic cancer at the regulated level in the United States, and hundreds of millions worldwide—but none has ever been reported. And it is not that these cancers are difficult to detect; quite the contrary. Even in Third World nations, arsenic cancer has been promptly identified wherever it occurred.

Has EPA bothered to investigate this astounding mismatch between prediction and reality? If it did, it has not told the public.

History of arsenic regulation

Being the only real environmental health and cancer risk, arsenic has been regulated for 100 years now (other real cancer risks like heavy smoking, sunburning, and the atom bomb are not regulated by EPA).

The first outbreak of arsenic poisoning to be officially investigated occurred in England at the end of the nineteenth century. Cheap beer had been tainted with arsenic by a complicated route: Brewers had “stretched” expensive malt with cheaper sugar. But the yeast could not metabolize sucrose into alcohol, unless it had first been “converted” into a mixture of glucose and fructose with a little sulfuric acid. The acid was contaminated with arsenic, and so eventually was the cheap beer.

A few hundred people became sick, enough for a Royal Commission to be appointed to investigate. Compared with the many National Academy panels of our time that have assessed cancer risk under EPA's oversight, this Royal Commission really wanted to find out what happened.

Within a short time, they had identified arsenic as the culprit and estimated the minimum level to cause disease near 250 ppb (they still used grains per imperial gallon as measuring units). With a suitable safety margin, this eventually became the drinking water standard first in Great Britain, then in many American states and almost all countries around the world. Since 1942, it has been the federal arsenic standard set by the U.S. Department of Health.

Quite different are the 10 or so reports by various National Academy panels that have assessed cancer risk under EPA supervision. In

20 years, those panels have neglected to report that the safe level estimated by the Royal Academy has been fully confirmed in five subsequent outbreaks of arsenic poisoning from drinking water that affected much greater numbers of people.

Today, junk science reigns

Science and science advice have fundamentally changed since the Royal Commission. Congress has given EPA huge powers, including a \$600 million science budget with practically no oversight.

“According to EPA’s numbers, there should be at least a million cases of arsenic cancer at the regulated level in the United States, and hundreds of millions worldwide—but none has ever been reported.”

EPA used that power to aggressively invest in official, government-sponsored junk science to create support for its so-called Risk Assessment and its fundamental assumption that cancer risk extends to very low levels of exposure. Scientists who made careers participating in this government-sponsored junk science were invited to be panelists in the official science advice. Critics were ignored at first, and later simply kept out altogether.

After 30 years of unrestrained corruption, the field of environmental health science is in a state of disrepute that has no precedent in history, with a 1997 peer-reviewed article questioning the veracity of the official science advice.

All this is now coming to a head over arsenic. The case against junk science is particularly powerful here. At the same time, EPA is pulling out all the stops in an all-out battle to defend its prerogative to regulate with junk science.

EPA does not bear all the blame, or even most of it. After all, it was Congress that created EPA in 1970 and sent it on a mission to regulate in the spirit of the then-recently enacted Delaney Amendment—which made irrationality, namely the unsupported fear of traces of chemicals, the official government policy.

In 1996, Congress quietly repealed this irrational amendment when it became clear it would require that all pesticides be banned. But Congress has not come clean with the public and has not owned up to a colossal mistake. Most importantly, Congress has not told the public that with the Delaney Amendment repealed, EPA's mission itself must be reevaluated.

It is Congress that bears responsibility for legislating irrationality back in 1958. But EPA must be held responsible for covering up this enormous policy failure under a cloud of misleading science advice.

Independent science panel called for

To correct this misleading advice and allow the truth to emerge, the Risk Policy Center has petitioned President George W. Bush to appoint a Presidential Commission on Arsenic. Supporters and critics of EPA would offer their interpretations of the best available science. A retired judge would preside and make sure that scientific standards alone, and not political power, would define what is and is not the best available science.

The petition has the backing of the State of New Mexico; City of Scottsdale, Arizona; Village of Frankfort, Illinois; City of Fallon, Nevada; Village of Polk, Nebraska; Green Valley Water Company; Pima County Medical Society; the Association of American Physicians and Surgeons; Doctors for Disaster Preparedness; and the International Society of Regulatory Toxicology and Pharmacology.

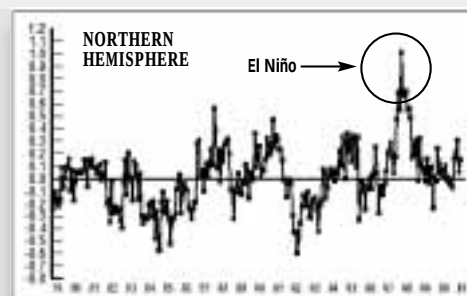
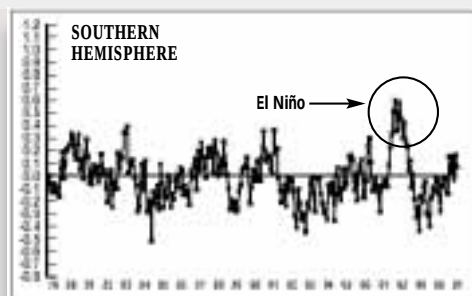
The existing arsenic standard is safe and should not be changed. The American public must be allowed to hear the best available science. It is EPA's routine use of junk science that has created chaos and disrepute; it needs attention now.

Gerhard Stöhrer is president of the Larchmont, New York-based Risk Policy Center. The Center is motivated by its members' sense of civic duty to end the routine use of junk science in regulation.



JULY 2001

The global average temperature for July, shown on page 1, was 0.137°C above normal. The Southern Hemisphere's temperature departure, shown below, was 0.033°C below normal; the Northern Hemisphere's, below right, was 0.307°C above normal.



Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses.

Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C.

The data used to create these graphs can be found on the Internet at <http://vortex.nsstc.uah.edu/data/msu/t2lt/t2ltqlhmmam.d>.

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ELECTRONIC REPRODUCTION PROHIBITED

Klamath Basin a departure from common-sense environmentalism

The familiar pattern of ESA controversies is repeating itself in the Klamath Basin. Environmentalists threaten short-term havoc with lawsuits focused on species survival, then bargain for long-term goals which go far beyond the scope of ESA.

BY ROBERT STOKES

This spring, the U.S. Bureau of Reclamation shut off irrigation water to 1,400 farmers and 210,000 acres of land in the Klamath River Basin of Southern Oregon and Northern California, effectively ending farming for the year.

The decision was triggered by Endangered Species Act (ESA) requirements imposed by the U.S. Fish and Wildlife Service (for two species of Klamath Lake suckerfish) and the National Marine Fisheries Service (for Klamath River coho salmon). Underlying factors were several lawsuits (and threats of more) by a consortium of national and local environmental groups.

The resulting economic disaster drove Klamath Basin farmers to civil disobedience. Thousands from around the country participated in a "bucket brigade" to symbolically restore water. Later, several hundred farmers repeatedly opened the canal gates to (also symbolically) release water for their fields. When federal police arrived the farmers outflanked them by running a pipe around the gates. So far the demonstrations have been peaceful and even cheerful.

Congress responds with hearings

They also appear to be achieving their purpose. The House of Representatives held hearings in Klamath Falls, Oregon which were attended by a largely pro-farmer crowd of several thousand. Oregon Senator Gordon Smith offered an amendment to the Department of Interior budget to restore water. The amendment failed 48 to 52 on a mostly party line vote. Vermont Senator Jim Jeffords then announced his Environment and Public Works Committee will hold hearings on an exemption from ESA.

Sue Ellen Wooldridge, deputy chief of staff for Interior Secretary Gale Norton, said federal studies of endangered salmon and lake fish in the Klamath Basin "lack credibility." After reviewing a portion of the scientific material, I could not agree more. However, the big issues raised by Klamath involve principle and fair process rather than scientific credibility.

The immediate crisis cooled when Norton released 75,000 acre-feet of water on July 25. That was about 20 percent of the usual annual flow, but more than what can still be used during this aborted growing season. However, the long-term issue is far from solved.

ESA "train wrecks" inevitable, desirable?

Disasters like the Klamath Basin are expected consequences of ESA; so much so that students of the law have a name for them: "train wrecks." Train wrecks occur because ESA makes no allowance for costs or economic damage.

Environmentalists defend provisions of ESA that cause train wrecks. ESA train wrecks are to environmental activists what strikes are to

labor leaders. The more clearly the public understands how ESA-based environmental lawsuits can shut down industries and communities, the more clout environmentalists have when bargaining for long-term goals.

Environmentalists argue that in the Klamath Basin, irrigated agriculture intruded on wetlands, high elevation deserts, fish and wildlife, and tribal fishing. It matters little to them that those "intrusions" also represent water rights granted in perpetuity by the federal government, that those rights were often given to returning World War I and II veterans, or that the farms they sustain embody generations of hard work.

Currently, court-supervised mediators are considering a proposal by Oregon's Governor John Kitzhaber to turn the water back on. The catch is farmers would have to accept a 20 percent reduction in long-term water supply. That means retiring irrigated land. Environmental groups like the Oregon Natural Resources Council make clear that land retirement, which they call "sustainable farming," is one of their major long-term objectives.

The familiar pattern of ESA controversies is repeating itself in the Klamath Basin. Environmentalists threaten short-term havoc with lawsuits focused on species survival, then bargain for long-term goals which go far beyond the scope of ESA. Use spotted owls to stop logging, obscure reptiles to stop urban sprawl, salmon to remove dams, suckers to return farmland to wetlands.

ESA's provisions direct federal administrators to consider ESA superior to other federal laws. So ESA's "save the species at any cost" rule trumps virtually all other considerations governing federal projects and permitting procedures.

ESA can, and must, be changed

ESA is not, however, a provision of the U.S. Constitution, one of the Ten Commandments, or a principle of physics. ESA can be changed just like other laws, by majority vote of Congress and signature of the President.

Members of Congress have different responsibilities than federal administrators. We expect our representatives to balance competing interests and values in pursuit of the larger public interest. Environmental laws and goals of environmental groups are no exception.

By adopting ESA modifications, like Senator Smith's bill, Congress can give Klamath Basin farmers back the water the federal government promised them during the past century. Long-term issues can then be settled by other means, preferably in accordance with more balanced laws (already on the books) that would favor farmers in some instances and environmentalists in others.

Absent Congressional modifications of ESA, farmers may have to buy back their water (and survival) from environmentalists who hold the whip of ESA lawsuits.

In business, all parties leave the bargaining table with guaranteed rights and binding obligations. Not so with ESA. Any private party can sue under ESA, on behalf of a currently listed

species, or others yet to be discovered. ESA was deliberately crafted to make suing the government easier than usual. If environmentalists win, the government even pays their lawyers. Farmers could trade away a piece of their future to placate present environmental groups, only to have other groups pursue them later for another piece.

ESA is a relic of a bygone political era and of decisions made without an understanding of

"[T]he big issues raised by Klamath involve principle and fair process rather than scientific credibility."

consequences. Canada—more liberal than the U.S.—has no species protection law. Our experience stiffens Canadian resistance to enacting one. The inertia of American lawmaking works both ways. Once dead, the combative rhetoric and draconian provisions of ESA are unlikely to rise again.

Picking up where the farmers left off

The socially diverse and geographically scattered members of the anti-ESA movement need unifying slogans and symbols. Klamath is providing these: first the dusty fields, then the farmers' calm but determined resistance.

However, unlike professional environmen-

talists, farmers do not earn their living from political agitation. Eventually they must cut a deal that puts them back to work.

Then the ball passes to the rest of us.

Readers of Aldo Leopold's classic book, *A Sand County Almanac*, know of the reasoned and aesthetically sensitive "land ethic" he proposed. Leopold died the year his book was published (1947), long before combative rhetoric and pseudo-science enveloped American environmentalism. Theodore Roosevelt, Gifford Pinchot, and Bob Marshall were other adherents to Leopold's view of resource conservation.

Most Americans still view the environment like those early conservationists, rather than like today's professional environmental zealots. They believe land and natural resources exist to be used, but with wisdom and sensitivity. Use means aesthetic enjoyment as well as extractive production. Everyone's interest counts in choices among resource uses, which means nobody's interest can be supreme. They trust science, but retain the humility borne of scientific skepticism.

Klamath pointed out how desperately those ideas are needed in modern environmental policymaking. We can only hope—and work to ensure—that leaders newly energized by the crisis will bring about the needed change.

Robert Stokes is a retired natural resource economist, now freelance writer, residing in Spokane, Washington.

Environment & Climate News

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The Heartland Institute
19 South LaSalle, Suite 903
Chicago, IL 60603
taylor@heartland.org

Western states facing new endangered species inquiries

Whales, owls, suckerfish top environmentalists' agenda

BY JAMES M. TAYLOR

Environmental groups have begun pressing the case of three western species they claim are in danger due to human development. The new actions have the potential to create a severe impact on economies up and down the Pacific coast.

Government scientists begin investigating orcas

Scientists with the National Marine Fisheries Service on August 7 began investigating Puget Sound killer whales. The scientists are responding to a petition filed by 11 different conservation groups claiming the Puget Sound orcas are a distinct population as defined by the Endangered Species Act and in danger of becoming extinct in the Pacific inlet.

Scientists note that 16 orcas did not return to the Sound this year from the open Pacific. As a result, they believe the local population currently stands at 78 whales. Scientists estimate the Puget Sound orca population peaked historically at roughly 150 whales.

The petitioners claim the orcas are being stung by a shortage of salmon and the presence of toxic chemicals in Puget Sound. According to their theory, logging in the Pacific northwest has harmed the river ecosystems of local salmon, a primary orca food source. The resulting decline in the salmon population has caused the orcas to feed on bottom fish that

have ingested toxic contaminants. As a result, they contend, logging bans are necessary to protect the orcas.

Skeptics assert the effects of logging have been far overstated and the logging theory is being advanced more for the distinct ulterior motive of stopping logging than for protecting orcas. Skeptics also note orcas thrive in the North Pacific and argue the Puget Sound orcas are indistinct from the large numbers of other orcas patrolling the northern sea.

The scientists hope to reach a decision soon on whether or not to list the Puget Sound orcas as an endangered species.

Spotted owl back in the spotlight

Another coalition of environmental groups filed an August 1 federal suit alleging the U.S. Fish and Wildlife Service (USFWS) is failing to protect the California spotted owl in the Sierra Mountains.

The suit asserts the California spotted owl is an endangered species but has not been properly recognized as such by the federal government. The California spotted owl is a close relative of the northern spotted owl, which has been the center of controversy in the Pacific northwest for more than a decade.

The same suit asserts a weasel, known as the Pacific fisher, is also endangered in the California Sierra Mountains but has not been properly recognized as endangered by the federal government.

"Populations of both the California spotted owl and the Pacific fisher are declining and face a seri-

ous risk of extinction," argued Noah Greenwald of the Center for Biological Diversity. "Old growth forests in the Sierra Nevada have been reduced by 60 to 85 percent as a result of logging on Forest Service and private timberlands. Species like the California spotted owl and fisher, which depend

"We have been hit with a flood of litigation over the last several years. Our funds are completely exhausted for doing any other work. Our hands are tied by earlier litigation. If they win, they take a number in line. Right now they are on the shelf."

PAT FOULKE
U.S. FISH AND WILDLIFE SERVICE

on intact old growth ecosystems, are at great risk."

The plaintiffs filed a petition with the Fish and Wildlife Service last year seeking to add the two animals to the Endangered Species list. The USFWS has not yet responded to the petition.

"To further delay their protection under the Endangered Species Act violates the law," claimed Laura Hoehn, an attorney with Earthjustice.

Pat Foulke, a USFWS spokesperson, responded that lawsuits such as the current one are self-

defeating in that they sap agency resources that would otherwise be devoted to investigating and listing species.

Stated Foulke, "We have been hit with a flood of litigation over the last several years. Our funds are completely exhausted for doing any other work. Our hands are tied by earlier litigation. If they win, they take a number in line. Right now they are on the shelf."

The USFWS has already proposed a "Sierra Nevada Framework Plan" to protect old growth forests in the California Sierra Nevadas. Although many of the petitioners have praised the plan, they protest it does not apply to privately owned land.

Suckerfish battle moves south

The Klamath Basin along the California-Oregon border may not be the only high-profile battleground over suckerfish. A group of four liberal environmental groups has threatened the USFWS with a lawsuit over its handling of Santa Ana suckerfish.

The groups claim the USFWS has failed to live up to a November 2000 agreement to map out and protect suckerfish habitat. Moreover, they suspect the change in Presidential administrations is to blame. The groups have threatened a suit to enforce the agreement as well as a contempt of court motion in federal district court.

Urbanization and water pollution are allegedly the cause of declining suckerfish numbers. The coalition of petitioners seeks to restrict development in Los Angeles basin rivers and streams as a means of protecting the fish.



David Okines, research assistant at Everglades National Park, tags a female Cape Sable seaside sparrow. The sparrow is one of 14 endangered species that live in the south Florida park, which is the largest remaining sub-tropical wilderness in the continental United States. Photo/Colin Braley-REUTERS

Everglades sparrow stirs controversy in southern Florida

Efforts to protect the endangered Cape Sable seaside sparrow have divided residents throughout southern Florida. The controversy surrounds a U.S. Army Corps of Engineers plan to pump water into the eastern Everglades to facilitate sparrow nesting.

The Cape Sable seaside sparrow is nicknamed the "Goldilocks" bird because it requires water depths that are "just right" to

"I think we can coexist, the urban area and the animals in their area. What we can't do is jeopardize people because we want to improve the status of some little bird."

JOSE DIAZ
MAYOR, SWEETWATER

lay eggs. The Corps has proposed raising water levels in a canal near residential areas bordering the Everglades and removing a levee that protects homes in western Miami-Dade County from flooding.

"I think we can coexist, the urban area and the animals in their area," commented

Sweetwater Mayor Jose Diaz. "What we can't do is jeopardize people because we want to improve the status of some little bird."

Scientists estimate roughly 3,000 Cape Sable seaside sparrows live in the Everglades. Activists point out that the bird's cousin, the dusky seaside sparrow, has already gone extinct despite a population of 2,000 birds in the late 1960s.

However, Diaz noted that raising the canal levels contradicts protective flooding measures devised in 1999 in the wake of Hurricane Irene.

Proposed flooding endangers people

The residents of Sweetwater are finding allies across southern Florida. The Miccosukee Indian Tribe claims the Corps has already flooded hundreds of tree islands that were important components of their land. Area farmers allege the Corps' action would raise the underground aquifer, causing the roots of their crops to rot. And residents in the other half of the state claim the Corps erred in the past by pumping too much water into the western Everglades, thereby harming the very birds they now seek to protect.

In a suit filed last year by the Miccosukee Tribe and area farmers, a federal magistrate judge ruled the Army Corps of Engineers had "driven a Mack truck" through federal regulations by issuing emergency orders regarding the sparrow instead of conducting a full environmental impact statement.

Southern Florida residents are keeping a close watch as the Corps weighs its next move.

Researchers announce breakthrough on salt-tolerant crops

BY JAMES M. TAYLOR

Agricultural researchers have announced they have genetically engineered tomatoes that can grow in salty water. The breakthrough promises to reverse a gradual decline in productive cropland, and will have its greatest impact in some of the nations with the greatest food shortages.

Researchers created the salt-tolerant tomatoes by isolating a gene in cabbage-like plants that have been remarkably adept at growing in salty water. Introducing the gene into tomato plants allowed them to grow in water that was 50 times saltier than normal.

The discovery marks a significant step in addressing one of agriculture's largest problems: Longstanding irrigation practices, particularly

in dry climates, tend to result in a buildup of salt in the irrigated soil. Over time, irrigated soil tends to become less productive, and experts estimate that 1 percent of the world's irrigated land is lost to salinization each year.

"Salty water is generally toxic to plants, but we have found a way to increase the tomato's ability to transport it away and isolate it from the rest of the plant cell," explained the project's lead researcher, Eduardo Blumwald of the University of California at Davis. "The sodium is taken up and kept in the leaves, away from the tomato itself."

Researchers believe the same technology used to make tomatoes salt-tolerant can produce similar results in other food staples such as corn. Moreover, such salt-tolerant crops will

pull salt out of their attendant soil, which will allow conventional crops to expand their range.

Importantly, irrigated croplands are particularly prevalent in India, China, Pakistan, and the western United States. Malnutrition is an ongoing problem in the Asian subcontinent.

"This research has very clear and enormous potential," said Val Giddings of the Biotechnology Industry Organization. "Water is a huge issue now in agriculture and will be getting bigger, so technology that allows plants to use water more efficiently could have great benefits."

Blumwald noted the salt-tolerant crops should be able to grow in naturally brackish waters, particularly near shorelines, just as easily as they grow in irrigated croplands.

Conducting the research is just the first step in making salt-tolerant tomatoes available to consumers. Blumwald estimated regulatory processes will postpone consumer access to salt-tolerant tomatoes for roughly three years. Similar delays will occur after field-testing on other crops. Nevertheless, Blumwald is opti-

mistic the research breakthrough will soon give the world's population access to more prevalent and inexpensive foods.

The *Washington Post* applauded the breakthrough in an August 5 house editorial. "So far, after all, not a single genetically modified prod-

"[R]egulatory processes will postpone consumer access to salt-tolerant tomatoes for roughly three years. Similar delays will occur after field-testing on other crops."

uct has been shown to harm human health." To the contrary, stated the *Post*, "the more abundant and cheaper food that biotechnology promises could make a huge difference to consumers, especially in poor nations with extensive malnourishment."

Not the first time

R.J. Smith, senior environmental scholar at the Competitive Enterprise Institute, pointed out on the August 2 CNN "Live This Morning" show that the "30-mile fire" isn't the first time the Endangered Species Act had proved instrumental in building the strength of a major fire.

Smith noted that in 1993, U.S. Fish and

Wildlife Service officials threatened residents of Riverside County, California, with substantial fines and jail time if they followed through on plans to create standard firebreaks from the brush around their homes. The USFWS claimed at the time that clearing the debris might adversely affect the endangered kangaroo rat.

Soon thereafter, a major fire broke out. Unencumbered by fire breaks, the fire burned 19 homes to the ground.

FIRE continued from page 1

Forest Service officials feared scooping river water might accidentally scoop some fish from the river as well. Forest Service officials debated using Chewuch River water until 2:00 p.m., when final approval was given.

While Forest Service officials delayed the promised water delivery as they debated the environmental impact of using Chewuch River water, the fire gained new life. The first delivery

Evidence shows it was deference to the ESA during the relatively safe mop-up phase that allowed the fire to regain its deadly form.

At the time the Forest Service was debating the impact of taking water from the Chewuch River, "there was no threat to life or property, it was a mop up," concluded Jan Flatten, the environmental officer for the Okanogan and Wenatchee National forests. "It was not until the fire blew up [that] it became a threat to life and property."

U.S. Representative Scott McInnis (R-Colorado) criticized deference to the ESA before the House subcommittee on Forests and Forest Health. "If we're dealing with human life at risk, I don't give a damn what the Endangered Species Act says," McInnis told reporters before addressing the subcommittee.

Democrats on the committee in turn blasted what they deemed a "politicization" of the tragedy.

"[F]our firefighters were cornered by flames in a narrow canyon and were killed by the flames before permission was finally granted to scoop water from the local river."

of water arrived at 3:00 p.m., too late to quench the rejuvenated fire. By 5:25 p.m. firefighters Tom Craven, 30, Devin Weaver, 21, Jessica Johnson, 19, and Karen Fitzpatrick, 18, had all died after flames cornered and then engulfed them in a narrow canyon.

Was deference to ESA required?

Forest Service Fire Chief Dale Bosworth attempted to absolve the ESA of any responsibility for the firefighters' deaths. Bosworth claimed that under standard procedure, firefighters are not constrained by the ESA when facing an emergency.

Jordan St. John, public affairs officer for the National Oceanic Atmospheric Association, agreed firefighters are not required to take ESA considerations into account when human life is at risk. St. John suggested the ESA was not to blame, but rather Forest Service dispatchers had misinterpreted Forest Service procedures.

What remains unclear, however, is whether the Forest Service's standard ESA procedures required deference to ESA factors in a situation like the 30-mile fire, where the blaze had been deemed relatively safe and largely contained.

"My best friend"

Ken Weaver, father of fallen firefighter Devin Weaver, said officials have told him privately there is no reason why his son should have died in the fire.

"He was my best friend," stated Weaver. He recalled how he and his son had recently watched the movie *The Patriot*, in which a father

"If we're dealing with human life at risk, I don't give a damn what the Endangered Species Act says."

SCOTT MCINNIS
U.S. REPRESENTATIVE

loses a son. "I turned to him and said 'I could never do that. I could never lose you.'"

"He trusted them and they weren't very careful with his life, and that makes me very angry and sad," stated Devin's mother, Barbara.

Earthjustice Legal Defense Fund staff attorney Todd True dismissed any role played by the ESA in the firefighters' deaths. "I don't think you can blame the Endangered Species Act for what a wildfire does," True stated.

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Nikki Saret
Publisher
Environment & Climate News
19 South LaSalle Street #903
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ENERGY continued from page 1

bers to work," answered Jerry Hood, special assistant on energy to Teamsters President James Hoffa.

Under strong pressure from organized labor,

"Under strong pressure from organized labor, 36 Democrats voted to join ranks with the Republicans in supporting ANWR drilling."

36 Democrats voted to join ranks with the Republicans in supporting ANWR drilling. The Teamsters argued that by opening just a small portion of the refuge to oil recovery, the bill would create 700,000 new jobs. Importantly, most of these jobs are reserved for organized labor.

Also key to the President's ANWR victory was the support of the Congressional Black Caucus. James Harris, an aide to Rep. Edolphus Towns (D-New York), told reporters the congressman was persuaded by Teamster arguments that Arctic resource recovery would create jobs "for the native community in Alaska."

Tougher CAFE requirements rejected

Organized labor was also key to the defeat of a Democratic amendment that would have required tough new fuel efficiency requirements for light trucks. The fuel-efficiency amendment proposed increasing the corporate average fuel efficiency (CAFE) standards on light trucks (including SUVs, minivans, and similar vehicles) from 20.7 miles per gallon to 27.5 miles per gallon. Organized labor argued the proposed new standards would cost 100,000 American jobs and force numerous plant closings. The amendment failed by a vote of 269 to 160.

By rejecting the Democratic amendment, the House left in place a compromise bill calling for

light trucks to save five billion gallons of gasoline between 2004 and 2010. While the pending measure does not specify the exact average mileage light trucks will soon have to meet, experts expect the new standard will require an increase in three to four miles per gallon.

"We had to fight the White House, the Republican leadership, the Teamsters union and, it turns out, the Democratic leadership" said Dan Becker, a lobbyist for the Sierra Club. "It's surprising we did as well as we did."

House adds subsidies

The most significant discrepancy between the House bill and the President's proposal was the House's addition of substantial subsidies to a variety of supply- and conservation-side interests. The final package includes more than \$30 billion in tax breaks and other incentives, including direct subsidies of various fuels from clean coal to wind and solar power. Other incentives include payments to manufacturers who meet fuel efficiency goals on new appliances.

ANWR stirs contentious debate

By far the most contentious debate involved resource recovery in the Arctic.

"This is no ordinary land," stated Rep. David Bonior (D-Michigan). "It's a cathedral of nature, an American heritage."

Oil recovery "would cause irreversible damage to one of God's most awesome creations," weighed in Senator Joe Lieberman (D-Connecticut).

An August 4 *Washington Times* house editorial countered that ANWR is "a mosquito-infested swamp that is shrouded in frozen darkness for nearly half the year."

Jonah Goldberg, a columnist with the Tribune Media Services, was equally direct. Writing about a recent trip she made to ANWR, "I was a little surprised to discover that if you wanted a picture to go with the word 'Godforsaken' in the dictionary, ANWR would do nicely."

"The pretty mountains and lakes you see on

the evening news are safe from oil exploration by law and by the fact that there's no oil there. The oil is on the coastal plain at the very top of ANWR on the coast of the Arctic Ocean," added Goldberg. "Winter on the coastal plain lasts for nine months. Total darkness reigns for 58 straight days. The temperatures drop to 70 degrees below zero. This is the time of year when the oil companies would do almost all of their work; when nary a caribou nor any other creature would be dumb enough to venture out onto the frozen tundra for long."

"If you don't want to drill for oil in ANWR that's fine. But don't slander God by saying this giant mosquito pool is among his finest works," concluded Goldberg.

Subjective debate over ANWR's asserted beauty aside, it was ultimately the oil recovery industry's environmental safety record and the limited scale of proposed drilling that proved persuasive in the House vote.

"In Oklahoma, which has been a top-five oil producing state for more than 80 years, most

"In fact, drilling for oil and gas is remarkably safe and clean, something senators from some non-oil states refuse to comprehend," added Keating.

Energy Secretary Spencer Abraham agreed, "Too many in our country believe that somehow a false choice exists, that the choice is more drilling and pipelines . . . versus lower prices and conservation . . . It's a myth."

Added Myron Ebell of the Competitive Enterprise Institute, "The coastal plain is not wilderness. Eskimos live there. There are villages there. There are military installations there. There's a lot of human activity on the coastal plains, so this is not the pristine part. The wilderness part of ANWR has already been protected by Congress."

The August 4 *Washington Times* editorial pointed out that only 1/10,000 of ANWR would be opened to resource recovery under the House bill.

Senate likely to address energy bill this fall

The ultimate fate of limited ANWR drilling and the rest of the energy bill will be decided after the Senate addresses the issue later this year. Predictions vary on whether ANWR, the compromise CAFE standards, and other Bush-friendly provisions will survive.

"I can't imagine that at the end of the day, that the votes are there," said Senate Majority Leader Tom Daschle (D-South Dakota).

"I don't think it's dead on arrival in the Senate," countered Teamster official Jerry Hood. "I don't even think it's on life support."

"We are very close to having a majority in the Senate," added William Kovacs, vice president of the U.S. Chamber of Commerce. Passage of the House bill was necessary, continued Kovacs, because "national energy policy is so vital to the country that we had to be reasonable, we had to be bipartisan, and we had to stay the course."

"For six years the House has driven issues the Senate didn't want, and this is one of them," noted Republican House Whip Tom DeLay of Texas.

"Organized labor argued the proposed new [CAFE] standards would cost 100,000 American jobs and force numerous plant closings."

people are puzzled by these apocalyptic predictions, as they live in harmony with more than 100,000 oil and gas wells," observed Republican Oklahoma Governor Frank Keating. "We love our land, and our cathedrals remain remarkably undevastated."

Keating pointed out that Alaska Governor Tony Knowles, a Democrat, is a native Oklahoman who supports ANWR drilling. "Oklahomans know that drilling for oil is not hard on the environment," Keating said.

National Geographic or “National Deceptivegraphic”?

BY RANDAL O'TOOLE

The National Geographic Society is proud of its maps. So it should be downright embarrassed by the map it published on pages 56 and 57 of the July 2001 issue of *National Geographic* magazine. (You can see the map at http://magma.national-geographic.com/ngm/data/2001/07/01/html/ft_20010701.3.html.)

The map purports to show the extent of urban sprawl in the United States. In fact, it exaggerates the extent of U.S. urban development by nearly 10 times.

Take, for example, Vermont, nearly one-third of which is covered by urban sprawl on National Geographic's map. Yet USDA's 1997 Natural Resources Inventory says that only 3 percent of Vermont is urbanized.

Or take Oregon's Willamette Valley, home to more than two out of three Oregonians. National Geographic's map shows the valley covered with nearly continuous sprawl. Yet the Willamette Valley Livability Project, a pro-smart-growth group closely allied with 1000 Friends of Oregon, admits that less than 6 percent of the valley has been urbanized to date.

Take any state in the U.S. and compare the sprawl map with the National Resources Inventory, which itself is probably an exaggeration of the extent of urban development. (See <http://www.ti.org/vaupdate02.html> and <http://www.ti.org/vaupdate03.html>.) National Geographic has clearly overstated development by eight to 10 times.

Sprawling lights?

How could an organization that prides itself on its accurate maps make such a mistake?

The map is credited to “National Geophysical Data Center, NOAA; Raw Satellite Data: U.S. Air Force Defense Meteorological Satellite Program. National Geographic Maps.” In fact, the map looks very similar to one that can be downloaded from the National Geophysical Data Center's Web site at <http://spidr.ngdc.noaa.gov/biomass/night.html> (click on the U.S.), except National Geographic's is in color while NGDS's is in black-and-white.

But NGDS doesn't claim its map represents urban sprawl or urban development. It is simply a map of “nighttime lights.” The agency proudly states its satellite (the Air Force Defense Meteorological Satellite) can “observe faint sources of visible-near infrared emissions present at the Earth's surface, including cities, towns, villages, gas flares, and fires.” If the satellite can pick up a gas flare, it can probably pick up the mercury vapor lamps that so many farmers use to illuminate their yards. Whatever it is picking up, it is not an accurate reflection of

urban development.

National Geographic's map uses different colors to show the change in urbanization since 1993. The magazine must have overlaid a 2000 nighttime lights map on top of a 1993 nighttime lights map. This is pure speculation, but I wonder if the 2000 map reflects newer technology that is able to detect fainter sources of light than the 1993 satellite? This would account for the huge increase in urbanization since 1993 shown on National Geographic's map.

Not just a mapping problem

The sort of sloppiness represented by this map pervades the *National Geographic* magazine feature on urban sprawl. The article opens by blaming “traffic jams, high taxes, and pollution” on urban sprawl (page 48).

The Web version puts it a little differently, saying “Most people agree that unchecked development is a bad deal for commuters, for taxpayers, for the environment” (http://magma.national-geographic.com/ngm/data/2001/07/01/html/ft_20010701.3.html). Whether or not most people agree, these claims have been thoroughly disproven by many analysts. In a nutshell:

- Low-density development is the response to, not the cause of, congestion. Congestion and high density go hand in hand; people move to low densities to get away from the congestion. (See *The Vanishing Automobile*, pages 257-259).
- An analysis of actual tax rates shows that high taxes and high density also go hand in hand. (*The Vanishing Automobile*, pages 278-280).
- Similarly, the cities and urban areas with the most toxic air pollution are those with the highest densities, because such densities are needed for pollution to concentrate to dangerous levels. (*The Vanishing Automobile*, pages 272-273)

The *National Geographic* article goes on to assert many of the other myths of urban sprawl. “Sprawl keeps a person in the driver's seat,” says the article (page 58), reversing cause and effect. In fact, people everywhere are driving more. This makes the suburbs attractive because low-density areas provide the best place for driving people to live. But even people in high-density central cities are driving more. (See *The Vanishing Automobile*, pages 253-256).

“By most accounts,” says *National Geographic*, “nothing moved the suburbs so efficiently towards sprawl as” the Interstate Highway System (page 62). In fact, people began moving rapidly to the suburbs right after World War II, and it is not clear that the freeways accelerated that movement at all (*The*

Vanishing Automobile, pages 238-239).

As Kenneth T. Jackson wrote in *Crabgrass Frontier* (Oxford University Press, 1985), “suburbanization was not willed upon an innocent peasantry” (page 216). Jackson blames the federal government for racially discriminatory housing policies and concentration of the poor in the cities, but not for suburbanization. As urban economist Edwin Mills says, federal policies “have had a greater effect on *how many* live and work there.”

Atlanta new poster child

National Geographic has at least wised up to the “Los Angeles is the epitome of sprawl” myth. Instead, it turns to Atlanta, of which it says the metropolitan area is “larger than the state of Delaware” (page 58). Well, Delaware covers 1,945 square miles, while the 1999 Highway Statistics report the Atlanta metropolitan area covers just 1,757 square miles.

Besides, it is not as if Delaware were really a state in the same sense that Georgia, Oregon, or Minnesota are states: The Corporate Headquarters State is only about 4 percent of

**“If it is worried about congestion,
then National Geographic
should have consulted the Texas
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the size of the Peach State.

For what it is worth, the Natural Resources Inventory states that 8.5 percent of Georgia and 14.7 percent of Delaware have been urbanized. (See <http://www.ti.org/vaupdate03.html>.)

“Sprawl is claiming farmland at the rate of 1.2 million acres a year,” says *National Geographic*. “Throw in forest and other undeveloped land and you're waving goodbye to more than 2 million acres.” This one isn't entirely a myth. According to the Natural Resources Inventory, forest lands are actually growing in area, but farmlands—especially pasturelands—are shrinking.

But are they shrinking due to urbanization? Or is it because U.S. crop productivity is growing faster than its population, meaning we need less land for growing crops each year?

The United States has nearly 936 million acres of farmland. “Losing” 1.2 million acres a year means we have a mere 780-year supply. Even the Natural Resources Conservation Service, which conducts the Natural Resources Inventory, admits urbanization is “not considered a threat to the Nation's food production overall.”

Furthermore, is suburbanization really a “loss” of open space? Or does it merely transfer a tiny percentage of one kind of open space—farms and forests—to another kind—people's backyards? Backyards get far more recreation use than farms and forests or even many city parks.

Oregon doesn't work

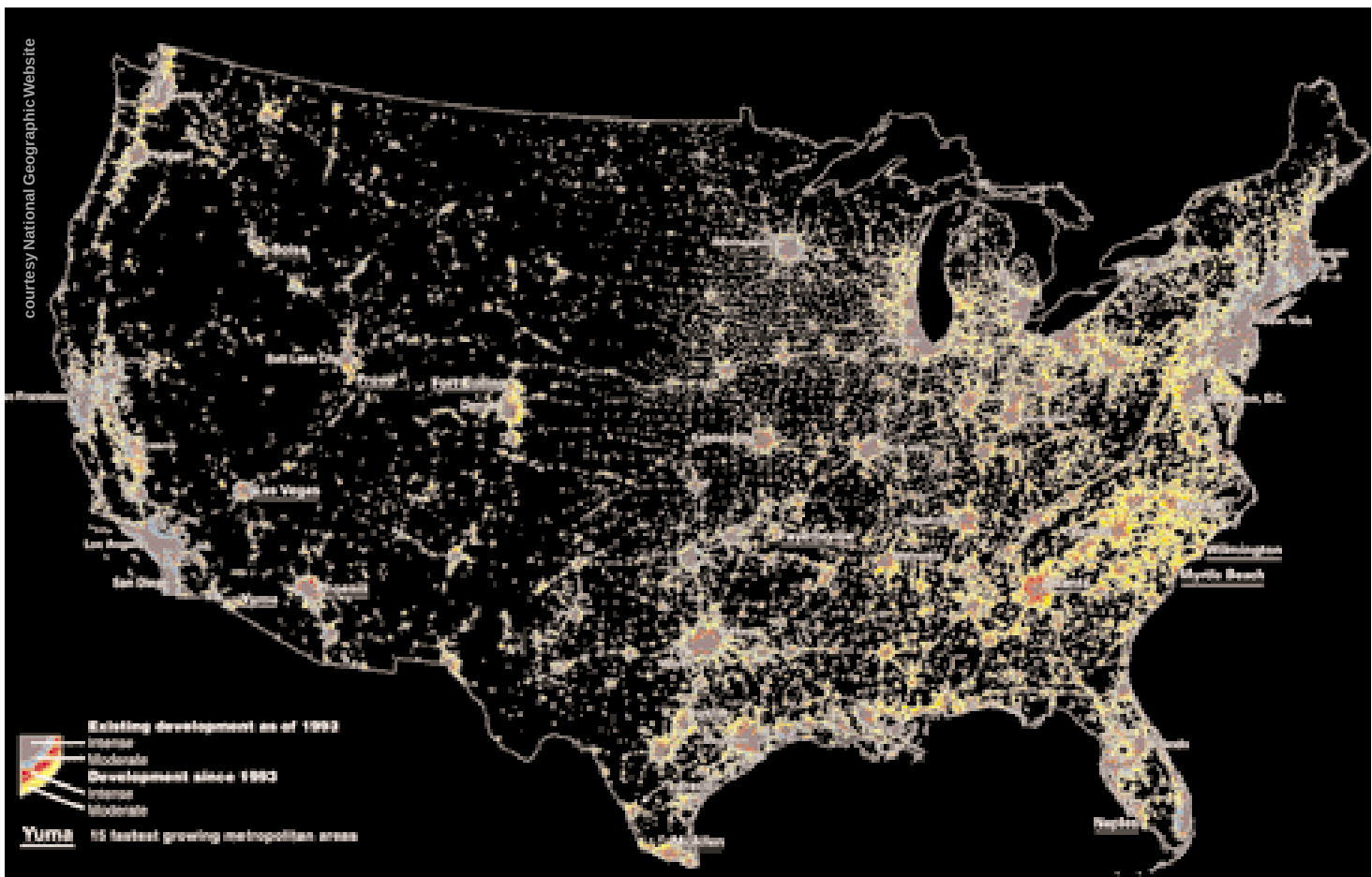
National Geographic, of course, credits Oregon for being “the one state that has moved better than any other to put a brake on runaway sprawl” (page 66). Certainly, Oregon has imposed more draconian policies on landowners and drivers than any other state. But the data indicate those policies have had little effect on sprawl.

Between 1992 and 1997, Oregon's population grew by a mere 9.1 percent. But the Natural Resources Inventory reports a 14.1 percent increase in urban development. Meanwhile, the sprawling population of Arizona grew by 17.7 percent but its urbanized area expanded by only 9.4 percent. Nevada's population grew by 30 percent but its urbanized area expanded by just 8.1 percent. It sounds as if Nevada and Arizona have done more than Oregon to put the brakes on sprawl.

What is the secret of their success? For one thing, both Las Vegas and Phoenix have built a lot more freeways than Portland or almost any other urban area. Not exactly a great advertisement for smart growth.

Of course, *National Geographic's* writer loved Portland, which he described as “a tight little city of 528,000” (page 66). Excuse me? Portland's average population density is only about 3,500 people per square mile. By comparison, the density of Seattle, Minneapolis, and Los Angeles are all over 6,000 per square mile, while Sacramento, San Jose, and Honolulu are over 4,000 per square mile. Just what is so “tight” about Portland?

National Geographic also lauded Portland's “pedestrian-friendly downtown.” The main reason it appears pedestrian friendly is because the idiot who laid it out more than 150 years ago used 200-foot blocks—far smaller than in almost any other city. This means nothing is very far away, but it also means a higher percentage of Portland's downtown is in streets than most other downtowns. Despite the downtown's



apparent friendliness, most Portland-area suburbanites and many city dwellers avoid downtown like the plague because it is so congested with automobile traffic.

Portland's "residential areas [are] growing up, not out," says *National Geographic*. Yes, there are four- and five-story apartment buildings sprouting up all over town. Nearly all of them are subsidized. Despite the subsidies, nearly all of them are unaffordable to low-income people. The *Portland Oregonian* reports they typically have vacancy rates in excess of 10 percent.

Finally, the magazine says transit usage is outpacing auto driving. Maybe it did in 1999, but if so Portland wasn't unique: The American Public Transportation Association claims transit outpaced driving nationwide. But over the past decade or two, the Texas Transportation Institute reports that per-capita driving has been growing faster in Portland than in almost any other urban area in the nation.

From 1982 to 1999, per-capita driving in Portland grew by 79 percent. Of the 68 cities tracked by the Texas Institute, only Laredo, Texas, Albany, New York, and St. Louis, Missouri grew faster. From 1990 to 1999, Portland per-capita driving grew by 29 percent. Only Laredo, Austin, and Louisville grew faster. Smart growth doesn't appear to be changing Portland's travel habits, unless it is causing them to drive more.

If it is worried about congestion, then *National Geographic* should have consulted the Texas Transportation Institute, whose data show Portland has the fastest growing congestion of any U.S. urban area. (See <http://www.ti.org/vaupdate13.html>.)

If it is worried about taxes, it should have taken a look at the City of Portland's Web site (<http://www.trans.ci.portland.or.us>), which currently features an article saying the city transportation department faces an 8 percent "reduction in services" unless the city imposes a new "street fee" tax on existing households. So much for smart growth reducing taxes. Of course, since this tax is totally unrelated to actual transportation usage, it will not change anyone's travel behavior.

If it is worried about quality of life, *National Geographic* should have talked to Mike Weier, a Portland newcomer from Nebraska who (reports the *Oregonian*) nearly cried when he realized he couldn't give his children the same large yard he enjoyed as a child. "The squeeze by Metro," says the newspaper, "makes it impractical—and often impossible—to plan neighborhoods with big yards."

But it is clear *National Geographic* made no attempt to hear the other side of the urban sprawl debate, or even to find out if there is one. A list of links that accompanies the online version of the article almost exclusively includes sprawl opponents such as the Sierra Club, Sprawl Watch Clearinghouse, and Congress for New Urbanism. The online bibliography mainly refers to such writers as James Kunstler and Andres Duany. (It does list *Crabgrass Frontier*, but misidentifies the author as Peter Jackson.)

They've seen the future

Also online, you can "explore a New Urbanist neighborhood" and see animated drawings of what life will be like in a smart-growth future

(http://www.nationalgeographic.com/earth-pulse/sprawl/index_flash.html). It features light rail, mixed uses, and front porches.

Here are some of the features of this great new suburb (feel free to add your own snide remarks):

- "Mass transit—light rail, buses, subways—within walking distance of most homes and businesses means fewer car trips, fewer highways, and less pollution."
- "On-street parking insulates pedestrians from traffic, encourages street life by requiring drivers to walk the final steps to their destinations, and lessens the need for parking lots and garages."
- "Mixed-use building allowing for apartments and offices above stores provides patronage for the shops, living space for lower-income residents, and activity for the sidewalk."
- "Mixed housing. Different housing types—apartments, row houses, detached houses—occupy the same neighborhood, encouraging cross-class understanding and long-term residency."
- "Subsidized home doesn't look so different from the non-subsidized house next door. Subsidized homes that are integrated into a neighborhood might give low-income families a sense of pride and proximity to jobs that housing projects often lack."
- "Corner store is more than a convenience store. It's a place you can walk to for a carton of milk, to have a chat with the owner, to catch up on the talk of the town. And it's all but illegal in U.S. suburbs, due to zoning laws that prohibit retail in residential complexes."
- "Front porch. An invitation to neighborly

interaction, a street-facing porch can provide a sociable barrier between the public and private realms."

Needless to say, all of these statements are mere suppositions unverified or contradicted by available data. Ironically, this particular Web page is sponsored by the Ford Motor Company—which is one more reason to buy a Toyota Prius.

National Geographic has always had a slight environmental bias. But it also usually tries to show all sides to a story, whether it is loggers vs. spotted owls, energy issues, or developing nations. This time neither the magazine nor its Web site made an effort to show any side other than that of the anti-auto, anti-low-density development crowd.

Maybe the magazine wasn't aware there is another side or, if it was aware of it, didn't consider it important enough to cover. Obviously, we need to do more to identify our goals—less congestion, lower taxes, and a cleaner environment—with our tools: freedom of choice, ending subsidies, and new incentives. To get the attention of mainstream media such as *National Geographic*, we need to get into more public forums, hold more conferences, and get more political leaders to understand and spread our message.

Randal O'Toole is senior economist with the Thoreau Institute, and is author of *The Vanishing Automobile and Other Urban Myths*. He submitted an abbreviated version of this article as a letter to the editor of *National Geographic*. He can be reached by email at rot@ti.org, or visit the Thoreau Institute's Web site at www.ti.org.

Polar ice cap studies refute global warming

BY JAMES M. TAYLOR

A series of recent studies shows that the polar ice caps, which should be shrinking if dire global warming theories are correct, are maintaining their mass and in fact growing slightly. The studies suggest satellite temperature readings, which indicate no global warming of the lower atmosphere, are more reliable than surface temperature readings, taken by humans under varying conditions, that had indicated a slow, gradual warming.

A study published in the December 3, 1999 issue of *Science* magazine, authored by Ola Johannessen, Elena Shalena, and Martin Miles, reported Arctic sea ice had declined by 14 percent from 1978 through 1998. In a related story, columnist Richard Kerr pondered "Will the Arctic Ocean lose all its ice?" The mainstream press ran with the story, giving dire warnings that global warming was upon us.

However, *CO₂ Science Magazine*, a publication of The Center for the Study of Carbon Dioxide and Global Change, later noted that in the Johannessen study, "essentially all of the drop ... occurs rather abruptly over a single period of not more than three years (87/88-90/91) and

possibly only one year (89/90-90/91). Furthermore, it could be argued from their data that from 1990/91 onward, sea ice area in the Arctic may have actually increased."

More recent studies of the polar ice caps verify *CO₂ Science Magazine's* skepticism, and show the polar ice caps are holding their own and actually growing slightly.

Antarctic sea ice edge expanding

A study published in the American Meteorological Society's *Journal of Climate* (Yuan, X. and Martinson, D.G., "Antarctic sea ice extent variability and its global connectivity," Volume 13: 1697-1717 (2000)) demonstrated the Antarctic polar ice cap has been expanding. According to the study, 18 years of satellite data indicate the mean Antarctic sea ice edge has expanded by 0.011 degrees of latitude toward the equator each year.

A later study, also published in *Journal of Climate* (Watkins, A.B. and Simmonds, I., "Current trends in Antarctic sea ice: The 1990s impact on a short climatology," Volume 13: 4441-4451 (2000)) reached a similar conclusion. The study reported significant increases

Kyoto bet backfiring on some energy companies

While the usual cast of anti-free market environmentalists has assembled to pressure Congress and President George W. Bush on *CO₂* emissions, the anti-market crowd has gained a new and unexpected ally in the global warming debate—some of the very energy-producing corporations that would seem to be most hurt by strict emissions limits.

Some energy-producing companies assumed that mandatory *CO₂* reductions were inevitable. In an attempt to get a leg up on the competition and avoid a last-minute crunch of required changes, these companies began to enact costly *CO₂*-reduction programs.

However, with the November 2000 defeat of Al Gore and President Bush's subsequent refusal to get prematurely stuck in a bad treaty, many companies have discovered they bet on the wrong horse. Now they are siding with anti-mar-

ket environmentalists in lobbying Congress to enact mandatory emissions reductions.

"I think some of this is the hangover from the Clinton era, when some of these emissions changes seemed inevitable," stated Rob Long,

"[W]ith the November 2000 defeat of Al Gore and President Bush's subsequent refusal to get prematurely stuck in a bad treaty, many companies have discovered they bet on the wrong horse."

vice president for governmental affairs at the National Mining Association. "And I think some people got locked into that mind-set. I think the world changed in January. It can't have escaped their notice that the new President won't support constraints on *CO₂*."

Mayor says Seattle will implement Kyoto Protocol

Seattle Mayor Paul Schell announced at a July 24 press conference that his city would abide by the Kyoto Protocol, whether or not the U.S. government does. "We are sending a message to the federal administration that it is time to act, just like the rest of the world."

Reporting on the mayor's announcement, Cybercast News Service observed the mayor neglected to mention "Seattle already has an advantage over the rest of the nation, given its heavy reliance on hydro-electric dams."

Added Chris Horner of the Competitive Enterprise Institute, "Seattle is in a unique posi-

tion ... to rely on hydropower ... which does not emit what are so-called greenhouse gases. ... Take this to Detroit and see what happens. There is no energy-intensive manufacturing [Seattle] participates in, and that's when we're talking about the job cuts and the pain."

Moreover, the same anti-market environmentalists who praise Seattle's *CO₂* efforts fight tooth-and-nail to prevent the construction of new hydro-electric dams elsewhere in the country. Hydro-electric dams, they argue, are destructive to river ecosystems, particularly endangered fish species.



in Antarctic sea ice between 1987 and 1996. The study further indicated the 1990s exhibited increases in the length of the sea-ice season.

Arctic ice thickening, expanding

A study published in *Geophysical Research Letters* (Winsor, P., "Arctic sea ice thickness remained constant during the 1990s," Volume 28: 1039-1041 (2001)) found the same to be true in the Arctic. The study concluded, "mean ice thickness has remained on a near-constant level around the North Pole from 1986-1997." Moreover, the study noted data from six different submarine cruises under the Arctic sea ice showed little variability and a "slight increasing trend" in the 1990s.

Just off the Arctic polar ice cap, ice coverage in Greenland was also shown to be steady and likely increasing. A study in *Journal of Geophysical Research* (Comiso, J.C., Wadhams, P., Pedersen, L.T. and Gersten, R.A., Volume 106: 9093-9116 (2001)) concluded that, annual variances notwithstanding, the Odden ice tongue in Greenland exhibited no statistically significant change from 1979 to 1998. Moreover, proxy reconstruction of the ice tongue utilizing air temperature data indicated the ice covers a greater area today than it did several decades ago.

Viewed as a whole, the new ice cap studies indicate no global warming has occurred in recent decades, at least not in high latitudes.

"Viewing the new data in conjunction with other studies that properly filter out the imperfections of human-collected temperature readings, *CO₂ Science* concludes, 'There has been no global warming for the past 75 years.'"

These findings also offer an important insight into one of the more significant controversies surrounding global warming theory.

Surface vs. satellite readings

Surface temperature readings taken by humans indicate the Earth has warmed by approximately 1 degree Fahrenheit over the past 100 years. This warming is certainly not much, but it is often cited as evidence that global warming is occurring, even if it is merely in its initial stages.

However, precise satellite readings of the lower atmosphere (a region that is supposed to immediately reflect any global warming) have shown no warming since readings were begun more than 20 years ago.

"We have seen no sign of man-induced glob-

al warming at all. The computer models used in U.N. studies say the first area to heat under the 'greenhouse gas effect' should be the lower atmosphere, known as the troposphere. Highly accurate, carefully checked satellite data have shown absolutely no warming," explained Tom Randall of the National Center for Public Policy Research.

Global warming skeptics have pointed out that most of the surface temperature readings indicating a warming have been taken in underdeveloped nations, where reliability and quality-control are questionable. In developed nations such as the United States, by contrast, the readings tend to show no warming. Moreover, skeptics note, surface temperature readings are influenced by artificial warming associated with growing urbanization, which creates artificial heat islands around temperature reading stations.

"While the greenhouse gases, especially CO₂, have grown in the last 50 years, the correlation with a warming of the world's climate is weak and far from being generally accepted by the scientific community," James L. Johnston, a member of The Heartland Institute's Board of Directors, observed in the August 4 *Chicago Tribune*.

Global warming proponents, on the other hand, now counter that warming, despite prior

consensus to the contrary, might occur in the lower atmosphere only after a general warming of the Earth's surface.

Models shown to be inaccurate... again

The recent polar ice studies, which measured surface rather than atmospheric temperature trends (and which were far removed from the effects of urban heat islands and questionable third-world temperature readings), lend weight to the argument that satellite readings, not surface monitoring stations, are correct.

"In considering all of the above results, it is likely that the global extent of sea ice is on the rise. Such observational evidence flies in the face of model predictions of global warming that say climate will change first and to the greatest extent in the Earth's polar regions," concludes *CO₂ Science Magazine*.

CO₂ Science suggests that self-regulating mechanisms, such as clouds, enable the Earth to keep a relatively steady climate despite the changes in CO₂ concentration that have been a regular part of Earth's history.

Viewing the new data in conjunction with other studies that properly filter out the imperfections of human-collected temperature readings, *CO₂ Science* concludes, "There has been no global warming for the past 75 years."

Regulating CO₂ as a pollutant: Costly in more ways than one

BY MICHAEL D. MALLINGER

President George W. Bush has taken a beating in the press for walking away from the United Nations' global warming agreement, reached at July's conference of the parties in Bonn.

A group of Senators has reacted to Bush's stand by proposing to implement the Bonn agreement's greenhouse gas restrictions as a domestic initiative. They have introduced legislation that would impose enormous burdens on the U.S. economy, whether or not the rest of the world follows suit. Their domestic proposal could prove to be more costly for the U.S. than the UN treaty itself.

Led by James Jeffords (I-Vermont) and Susan Collins (R-Maine), the senators want to impose the restrictions mandated by the Bonn agreement by reducing emissions from power plants. Instead of asking a skeptical Congress to ratify the treaty, they want to reinterpret the Clean Air Act to regulate carbon dioxide (CO₂) as a pollutant.

But power plants are only the tip of the iceberg. Once emission restrictions have been imposed on power plants, companion regulations for automobiles and other household items would be sure to follow.

Jeffords, Collins, and other senators have introduced a bill called the "Clean Power Act" to authorize EPA to reduce power plant emissions of three pollutants—nitrogen oxides, sulfur dioxide, and mercury—as well as the greenhouse gas carbon dioxide. Jeffords claims the measure would not hurt the economy.

But new research by the Department of Energy's Energy Information Administration (EIA) indicates Jeffords has underestimated the cost of his approach.

A Costly Plan

The EIA study, "Strategies for Reducing Multiple Emissions from Electric Power Plants," measures the cost of imposing simultaneous caps on emissions of carbon dioxide and the three pollutants. The new report complements EIA's December 2000 study on the projected costs of a three-pollutant approach that excludes carbon dioxide.

In the new report, EIA points out that over the next 20 years nitrogen oxide emissions are expected to rise slowly, sulfur dioxide

emissions are expected to remain at year 2000 levels, and carbon dioxide emissions are expected to increase steadily. The agency explains that increasing demand for electricity, a growing dependency on natural gas, and the construction of a small number of new coal-fired power plants will cause CO₂ emissions to rise.

According to the report, capping CO₂ emissions at 1990 levels, or at 7 percent below 1990 levels, would force people to pay higher prices for electricity. Specifically, the report finds:

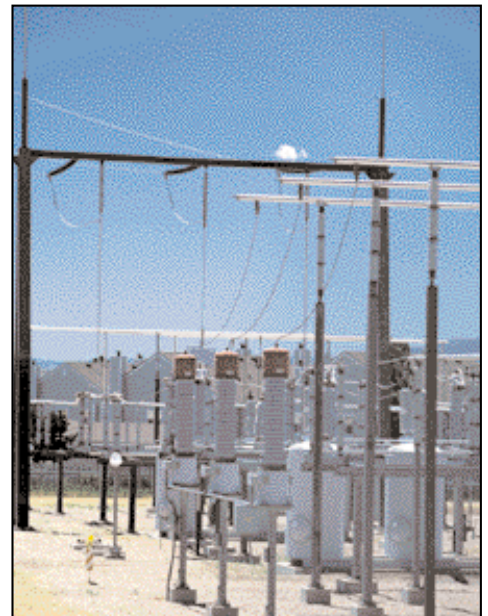
"...Electricity prices are projected to be much higher when carbon dioxide emissions are capped than when nitrogen oxide, sulfur dioxide, or mercury emissions are capped—43 percent higher in 2010 and 38 percent higher in 2020 than projected in the reference case. Consumers are expected to reduce their electricity consumption by 8 percent in 2010 and 12 percent in 2020 when faced with higher electricity prices."

In addition, the agency explains electricity prices could be substantially higher if natural gas prices turn out to be higher than projected. If CO₂ caps are imposed, both domestic production and imports of natural gas must grow to meet electricity demands.

Specifically, production of 0.8 trillion cubic feet from domestic sources and 2.3 trillion cubic feet from imports must be added over the next 20 years to meet the increased demand. This would require domestic natural gas producers to achieve record levels of output from 2005 through 2010 and would represent a serious challenge for the industry.

Regulating CO₂ as a pollutant would introduce great uncertainty into America's energy infrastructure. Unexpected fluctuations in natural gas prices contributed to the California electricity crisis; in the future, uncertainty in markets for coal, natural gas, and renewables could cause unanticipated problems for consumers across the country. "History does not offer clear guidance as to how the various markets might respond to changes as large as those required by the proposed emissions targets," the EIA report notes.

Capping CO₂ emissions would also make coal cost-ineffective as a source of electricity over time. As more than 50 percent of



domestic electricity is generated by burning coal, such regulation would guarantee that consumers pay substantially higher electricity bills in the future.

President Bush is right to oppose the Bonn agreement because it costs too much. For the same reason, he should oppose the Clean Power Act. Regulating greenhouse gas emissions from power plants will introduce tremendous uncertainty into the viability of American electricity markets. Dropping CO₂ from the program would do a great deal to strip away some of this uncertainty and ensure that consumers can obtain the electricity they need during the twenty-first century.

Michael D. Mallinger is a research associate at the Competitive Enterprise Institute in Washington, DC. He can be contacted at mmallinger@cei.org.

News from the month that was . . .

BY S. FRED SINGER

The sixth annual Conference of the Parties (COP) to the climate treaty, involving all 180 national delegations, met in Bonn and activated the Kyoto Protocol (KP), designed to limit emissions of greenhouse gases. The United States abstained, with George Bush calling the KP "fatally flawed."

It was a big triumph of bureaucracy over the atmosphere—and an adequate validation of the Bush position. The KP was ineffective to start with; it will be even less effective now that the COP made substantial concessions to key non-European nations who were holding out for a better deal: Japan, Canada, and Russia.

They all got big concessions for forest sinks; instead of cutting CO₂ emissions by the required amounts, they only need to watch their trees grow. No wonder the Greens have mixed feelings. And emission trading can ease the burden further. Russia will be glad to sell its unused CO₂ credits of "hot air," now enhanced by their forest sinks.

With enforcement still up in the air, at the

national bureaucrats not accountable to the nations paying their salaries.

The control costs are considerable; they are estimated to double electric rates to European consumers and raise their already-high price of motor fuels by further taxes. On top of the huge administrative costs, there are also the direct subventions to be paid to 140 developing countries to finance their eventual transition to lower greenhouse emissions. Let's see how European politicians deal with their citizens—in light of the revolt of the truckers last autumn in Western Europe.

The real irony is that had the COP accepted the compromises offered by the United States in November 2000 at The Hague, the concessions might not have been necessary and the U.S. would be part of the deal. (And the temperature reduction might have been 0.05 degrees, equally unimpressive.)

Quick impressions of COP-6

- The high degree of security, with green-suited police everywhere, but no violence.
- The usual delegations from some 180 nations, plus Green NGOs, and a full turnout from the media.
- Our Student Climate Crusade made a big impact, with full press and TV coverage. They were a noisy bunch, complete with a chicken and a cow costume, a big drum, and home-made posters. It attracted attention and gained us a lot of interviews, including with BBC World TV and with the top British science journalists. Also with French, Finnish TV, and Italian and Japanese press.
- Our climate science and economics briefings attracted a Vice Minister of Environment from Japan. Separately, we briefed the Environment Minister from Luxembourg.
- A Congressional delegation, headed by Senators Bingaman and Lieberman, made no perceptible impact.
- And the final outcome: A real nothing-burger. After major concessions to Japan, Canada, and Russia on forest sinks, the Kyoto Protocol will be even less effective. No real enforcement and no ratification as yet, and no detailed national policies on how to get emission cuts.

So it's on to COP-7 in Morocco on October 28 for yet another two-week round.

Reflections after Bonn

Why did George W. Bush do so well at the G-8 meeting in Genoa while taking lumps in Bonn?

In Genoa you had the real leaders, who are well aware of the adverse economic impact of a Kyoto Protocol. More importantly, they are the ones who would have to get it ratified and then pass the policies to affect energy cuts—by taxes or rationing. Not a good way to get re-elected, is it?

By contrast, in Bonn you had the environment ministers, grandstanding for their Green constituents and the press by attacking Bush. [The German environment minister Trittin once was a Green terrorist.]

Was anything accomplished in Bonn? Not according to the *Economist* (July 28): Without the U.S., and with major concessions to Japan, "Bonn saved the Kyoto Pact—in name, for now. Big deal."

Trouble looms for Kyoto even in Europe. Some straws in the wind: The European Commission postponed its expected draft directive on mandatory "cap-and-trade" for carbon dioxide because European businesses complained about the cost, including even BP with its carefully cultivated Green image.

And what about the EU's subsidies for coal, that prolific emitter of CO₂? Supposed to be phased out from July 2002, they were extended for another decade.

Now let's see which countries actually ratify Kyoto and pass legislation to accomplish its goals.

Big oil funds greens

Climate Strategies, a new pan-European network of senior climate researchers and social scientists, was formed to shape the post-Kyoto debate by keeping policymakers abreast of relevant climate data. "We've come up with great ideas in the past, but it's been too late," says Benito Müller, an expert on the Kyoto Protocol at the Oxford Institute of Energy Studies and a founding member of the group, which announced its formation at a press briefing on July 9.

Funded by a seed grant from the Shell Foundation, Climate Strategies argues in two

reports that U.S. opposition to Kyoto should not torpedo the 1997 agreement. "Kyoto is a huge investment in intellectual and research effort, and renegotiating a new protocol would not necessarily give a better product—and would waste another 10 years," says Michael Grubb, a professor of climate change and energy policy at Imperial College (London) and leader of the group.

Comment: They don't give up, do they? Too bad about their intellectual investment in Kyoto. These political scientists don't know from climate data even if it hit them in the face. But why would Shell support this reactionary group?

More on student climate crusade

We consider this first Student Climate Crusade in Bonn an unqualified success. There has never been a demonstration at a Climate Conference in support of the U.S. position (as expressed by the 1997 Senate vote and by George Bush). We may do it again, with the cooperation of CFACT and The Leadership Institute, and involve other organizations opposed to Kyoto.

S. Fred Singer, professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project, shares his thoughts on environment and climate news stories of the month. Singer's The Week That Was columns can be found at www.sepp.org.

For more information...

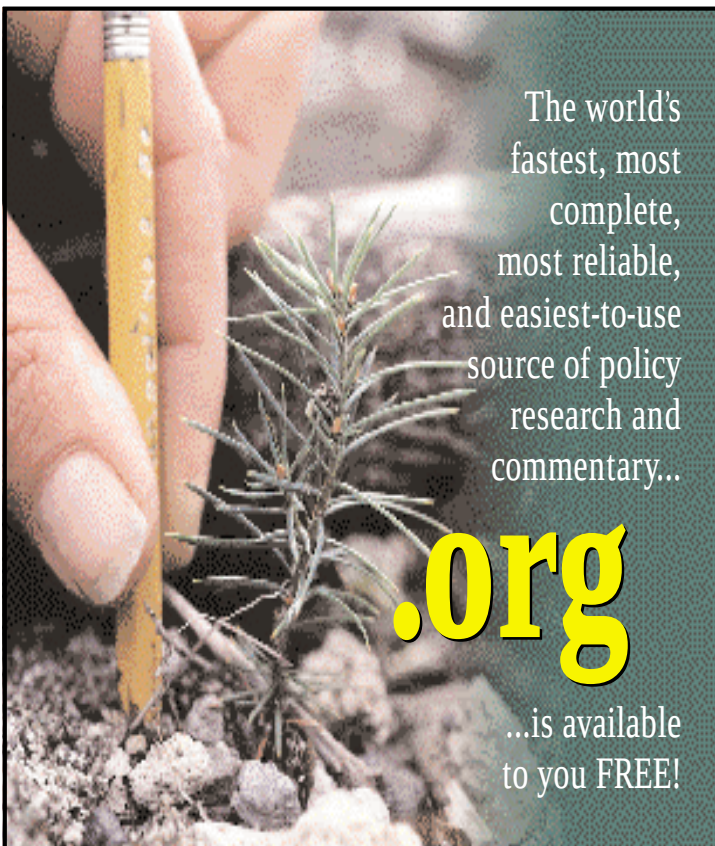
WWW Read "Mission to Bonn" by one of the student participants on the eco-logic Web site at <http://www.eco.freedom.org/el/20010801/bonn.shtml>.

"With enforcement still up in the air, at the very best, Kyoto will reduce the calculated temperature in 2050 by 0.02 degrees C. (That's one-fiftieth of a degree...)"

very best, Kyoto will reduce the calculated temperature in 2050 by 0.02 degrees C. (That's one-fiftieth of a degree and cannot even be measured with an ordinary thermometer.) More likely, the Protocol will do nothing for the climate.

The coming into force of the KP still depends on the approval of the 38 legislatures of industrialized nations. They may have second thoughts once they gauge the cost to their national economies. Until 55 percent of these nations emitting at least 55 percent of greenhouse gases sign up, it's not a done deal.

One thing for sure: COP meetings will continue, with lifetime careers for some 2,000 civil servants, mostly paid by the United Nations. This giant bureaucratic apparatus will not only survive but grow by leaps and bounds, adding inspectors and legal experts to the UN, and many more to the signing nations who will have to defend themselves against an army of inter-



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Roundtable identifies market-oriented global warming strategies

BY JAMES. M. TAYLOR

The Business Roundtable, an association of chief executive officers committed to improving public policy, has issued a report identifying 38 specific opportunities to improve regulatory, tax, and trade policies to encourage a market-friendly approach to reducing carbon dioxide emissions.

According to the Roundtable, near-term opportunities exist to accelerate the development of advanced technology to reduce greenhouse gas emissions. The report emphasizes the private sector must play a central role in developing and commercializing new technologies.

The report, *Unleashing Innovation: The Right Approach to Global Climate Change*, follows a 1999 paper by the group addressing the long-term role of technology in responding to concerns about global climate change. The Roundtable has brought together technology leaders from industry, research laboratories, universities, and government agencies to address both the long-term and short-term technological prospects in reducing carbon dioxide emissions in a market-oriented manner.

The free market as a central player

The report notes that the greatest opportunities for energy innovation regarding climate-change issues involve the federal government working in conjunction with, rather than at odds with, the free market.

The Roundtable expressed encouragement in noting that many of its proposed solutions appear in President George W. Bush's energy policy. "These improvements in the U.S. regulatory, tax, and trade policies should help encourage the development and market acceptance of the technological innovations needed to meet the needs of developing and developed economies for this generation and generations to come," the report concludes.

In recommending a market-oriented approach to carbon dioxide emissions, the report identifies numerous instances where regulatory policy, tax, and trade laws inadvertently have a chilling effect on research and innovation. It proposes solutions that would

drive more rapid innovations in addressing climate concerns.

Regulatory barriers

The Roundtable identifies 21 specific regulatory barriers to the efficient development of greenhouse gas technologies. These barriers fall into three categories: barriers to the use of alternative fuels; barriers to the use of energy-

that reduce heating and cooling requirements.

Regulatory policies that thwart innovation, according to the report, include New Source Review requirements of the Clean Air Act that impede energy-efficient technologies in the utility sector; inflexible Clean Air Act regulations preventing emissions trading; and inadequate scientific evidence for questionable environmental regulations.

"The private sector must play a central role in developing and commercializing new technologies."

efficient technologies; and barriers that deter technological innovation.

The report identifies numerous regulatory barriers to the use of these alternative fuels, including delays and uncertainties resulting from excessive red tape under the Clean Air Act; the Federal Energy Regulatory Commission's hydropower licensing processes; and the Resource Conservation Recovery Act's rules forestalling the recovery of biosludge from hazardous waste treatment.

Regulatory obstacles regarding the development and use of energy-efficient technologies include conflicting federal and state vehicle emissions standards; technology-specific air quality standards that result in increased energy waste and increased energy consumption; and antiquated building codes that prohibit building designs

Proposed regulatory improvements include: speedier permit reviews that accelerate the implementation of less carbon-intensive manufacturing and energy-generation technologies; exemption from New Source Review of new technologies that provide the same or lower regulated emissions; and greater emphasis on market mechanisms such as emissions trading to achieve environmental goals.

Tax laws

The Roundtable report identifies six significant tax barriers that discriminate against and substantially deter investments in climate-related research and innovation. These barriers fall into three broad categories: international tax policies; deficiencies in research and development tax incentives; and the federal tax code's recovery pro-

visions for depreciation.

While these tax barriers negatively affect many different types of business activity, they especially punish investments in energy-efficient technologies, according to the report.

Recommended tax policy improvements include: restructuring the research and development tax credit and making it permanent; eliminating the double tax penalty that results from the required allocation of U.S. interest in research and development expenses to foreign-source income; and providing enhanced tax credits to promote breakthrough energy-efficient technologies for vehicles, plants, and equipment.

Trade barriers

The Roundtable identifies 11 significant trade-related barriers to innovation in energy-efficient technologies. American laws impede the export of energy-efficient technologies; and other nations' laws impede the import of American energy technologies and services.

According to the report, American export controls are significant barriers to U.S. exports of energy-efficient technologies. Most significantly, they interfere with the sale of high-tech equipment and computer software that can be used for energy management.

Other nations' import barriers include high tariffs in developing economies such as China and India. Other countries, such as South Korea and the Philippines, impose regulatory restrictions on the commercial presence of American suppliers, the employment of foreign technical workers, and foreign investments in public utilities, while protecting state-granted monopolies to local energy suppliers.

The Roundtable's proposed solutions include: encouraging the U.S. government to press for substantial energy-efficiency tariff reductions in the next round of World Trade Organization negotiations; encouraging the U.S. government to press for removal of numerous non-tariff barriers that restrain the export of energy services; and revising the Export Administration Act to ensure U.S. export controls keep pace with rapidly changing technologies and global competition.

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HUDSON continued from page 1

PCBs indicated high PCB levels could cause animals to develop cancer. EPA banned the chemical that year and GE has abided by the directive.

Since 1977, GE has spent more than \$200 million to clean up the river. The river itself has deposited multiple layers of clean sediment on top of the pre-1977 tainted sediment.

In 1984, EPA conducted a study of PCB levels in the Hudson River and decided that, in conjunction with GE's cleanup efforts, the river had significantly entombed PCBs under fresh sedimentation and no further action was required to

"EPA declared the Hudson safe for swimming, wading, boating, and even approved it as a source for drinking water."

clean the river. Moreover, the agency was worried dredging might make matters worse by stirring up the PCBs that had already been entombed.

Despite its 1984 findings, EPA decided in 1991 to reexamine PCBs in the Hudson River. The agency studied the issue in the last year of the Bush administration and throughout the Clinton administration.

In 2000, the agency determined that natural sedimentation and GE's cleanup efforts had reduced PCB levels to 90 percent below 1977 levels. Indeed, the river had recovered so much that EPA declared the Hudson safe for swimming, wading, and boating, and even approved it as a source for drinking water.

Recreational fishing in the Hudson is allowed by EPA, though commercial fishing is banned. Even so, PCB levels in downstream largemouth bass, a favorite commercial fishing catch, fall within EPA's designated safety parameters, leading many to call for a repeal of the commercial fishing ban.

Current science regarding PCBs

The Agency for Toxic Substances and Disease Registry, part of the U.S. Department of Health and Human Services, noted in its February 1999 toxicological profile that "No studies were located regarding death in humans after exposure to PCBs by any route. . . . The acute lethality data do not suggest that PCBs would be acutely toxic in humans." The study additionally concluded, "The weight of evidence does not support a causal association for PCBs and human cancer at this time."

In March 1999, Dr. Renate Kimbrough and Dr. Martha Doemland published in the *Journal of Occupational and Environmental Medicine* the results of their study of over 7,000 people in upstate New York who were exposed to high levels of PCBs over an extended period, including many who were exposed for over 30 years. Although many participants had PCB blood levels up to a thousand times higher than the national average, cancer mortality rates for the 7,000 people exposed to prolonged and heightened levels of PCBs were significantly lower than the national and regional averages. The study uncovered similar results for each of numerous other diseases studied.



Although the Environmental Protection Agency has declared the Hudson River safe for drinking water, swimming, wading, boating, and recreational fishing, commercial fishing is illegal. These striped bass were taken by New York's Department of Environmental Conservation in 1998 as evidence in a case charging five men with selling Hudson River fish to upscale restaurants in New York City. Photo/Francis M. Roberts, Photographer Showcase

Such studies are in addition to studies by the National Cancer Institute and the National Institute of Occupational Safety and Health, all of which note a lack of correlation between PCBs and cancer in humans.

Clinton EPA takes action

Despite the scientific data, the Clinton EPA announced in December 2000, just before

"This massive disruption would be a grossly, even irrationally disproportionate assault on a 'threat' that seems to us to have been mischaracterized and exaggerated."

**DANIEL WALSH, PRESIDENT
UPPER HUDSON RIVER VALLEY
BUSINESS COUNCIL**

President Clinton left office, that it had decided to make GE pay an estimated \$460 million (third-party estimates put the total at over a half-billion) to dredge a 37-mile stretch of the Hudson River near its Port Edward and Hudson

Falls plants. Of the estimated 1.1 million pounds of PCBs originally deposited by GE, the Clinton plan targeted the 100,000 remaining pounds entombed under layers of sediment at the river's bottom.

Research shows the entombed PCBs are already so thoroughly buried there is little to no interaction of entombed PCBs with the river and its life, regardless of whether PCBs are actually harmful or not. Moreover, the PCBs become more deeply buried every day as more and more clean sediments settle on the riverbed.

Nevertheless, anti-industry environmentalists argue even trace amounts of PCBs should not be tolerated. They contend a "100-year flood" might cause a disturbance of the riverbed before the PCBs are further entombed. Experts disagree.

Computer models developed by Quantitative Environmental Analysis, described as "probably the most accurate and predictive model available, not only on the Hudson, but on any water body in the country" by UC Santa Barbara professor Dr. Wilbert Lick, show little chance of significant disturbance even during a hypothetical "100-year flood."

"Just not conscionable"

Although the Hudson has extensively cleaned itself by natural sedimentary processes, dredging critics argue the dredging process poses a certainty of environmental disturbance and related harms.

To process the dredged sediment, "At least two new hazardous waste plants would be built on the river or its banks to process the PCBs, and an estimated 45,000 tons of waste a day would be hauled out to nonexistent landfills (sure to be opposed by the same Not In My Backyard enviros that created this mess)," observed columnist Michelle Malkin in the *Washington Times*.

"The EPA project would also destroy 97 acres of prime aquatic habitat, killing or displacing all the creatures that live there, and destabilize or destroy 17 miles of Hudson River shoreline," Malkin added.

Stated Upper Hudson River Valley Business Council President Daniel Walsh, "this massive disruption would be a grossly, even irrationally disproportionate assault on a 'threat' that seems to us to have been mischaracterized and exaggerated—one that is already being addressed with effective, much less risky strategies."

Walsh warned that dry-land PCB dumps would require substantial community investment and political backing, "yet even far smaller such facilities are almost impossible to develop and get approved."

"EPA itself has acknowledged that the river is safe to swim in, to boat in, to drink," Walsh added. "Yet sedimentation would be stopped dead in its tracks (indeed, it would be reversed) by dredging."

HUDSON continued on next page

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Tim Havens, director of Citizen Environmentalists Against Sludge Encapsulation, an organization of local homeowners, explained that people living in the Upper Hudson River Valley oppose the noise, disruption, and negative environmental impact of countless dump trucks depositing contaminated mud in onshore landfills throughout the region. "We aren't giving an inch," stated Havens. "We'll fight this idea until Hell freezes over, and then we're going to fight on the ice."

"A lot of people in New York City want this [dredging], but they're 200 miles away," Havens said. "In this part of the world, we don't believe that you should be saving the Earth at the expense of those who live here."

Merrilyn Pulver, Port Edward town supervisor, fears the years of daily dredging on the river, the constant commotion and congestion of the trucks, and the disturbance of tons of stinking sludge will cause the death of her town. "When all the hype is done and the environs are finished scaring us, there's no benefit in stirring up the river bottom," she said.

Pulver noted even EPA scientists have acknowledged dredging could actually double the river's PCB levels for an extended period, and that the end result may still leave many of the PCBs in place. Worse, notes Pulver, the remaining PCBs will no longer be entombed.

"I'm sick to my stomach," stated Pulver. "For EPA to destroy this town for a dredging project of questionable worth is just not conscionable."

Whitman rejects compromise solution

Bush administration sources indicated that prior to announcing her decision, Whitman

was very close to reaching an agreement with GE for the company to pay for dredging the most noteworthy "hot spots" while allowing other areas of the river to naturally entomb the sedimentation.

"Can you do the kind of dredging that's proposed and not stir up the sediment in a way that will exacerbate the problem?" wondered Whitman. "They have certainly persuaded a number of people upriver," noted Whitman

"The EPA project would also destroy 97 acres of prime aquatic habitat, killing or displacing all the creatures that live there, and destabilize or destroy 17 miles of Hudson River shoreline."

MICHELLE MALKIN
WASHINGTON TIMES

prior to reaching her decision, acknowledging the majority of Upper Hudson River Valley residents who oppose dredging.

However, Whitman abruptly called off the talks after anti-market environmentalists clamored about the rumored agreement. "We're staying the course," said a senior EPA official after the announcement. "It's time to move on, and we're committed to cleaning up the river."

New York State Senate Majority Leader Joseph Bruno warned EPA "has made the wrong

decision to proceed with a full-scale dredging of the Hudson River. EPA's decision was based on the recommendations of the previous administration, which relied more on politics than sound science and flew in the face of previous administrations, both Democrat and Republican, that rejected dredging PCBs from the Hudson River."

"By going forward with dredging, it is clear the EPA did not take into consideration any of the comments made by the people who live along the river, have seen it come back and oppose dredging. Their lives are going to be the ones most affected by dredging and it's a slap in the face that EPA obviously did not listen to their concerns," added Bruno.

Observed U.S. Representative John Sweeney, who represents the Upper Hudson River Valley, "The EPA under Administrator Whitman has displayed a colossal lack of responsibility by leaking their proposed dredging plan to the press even before informing the residents of New York's 22nd Congressional District who are most adversely affected by it."

"This embarrassing display," he continued, "is indicative of the EPA's entire approach throughout their history—an approach rife with ineptitude, callousness, and chaos. The EPA and Administrator Whitman have turned a blind eye and a deaf ear on the people of the Upper Hudson River region."

"As you know, we were nearing consensus on an alternate plan," Sweeney further admonished Administrator Whitman.

The Intercounty Legislative Committee of the Adirondacks, representing 11 counties in the Upper Hudson River Valley, had earlier voted to oppose dredging. Noted Committeeman Donald Cummings, "This res-

olution provides a crystal clear message from elected officials representing more than 700,000 people. We want the Environmental Protection Agency to hear the voices of the people who live and work near the river and would suffer the consequences of a dredging project."

Business Council President Daniel Walsh agreed. "There are voices in our society whose approach to these matters seems to be motivated more by vengefulness than by sound science—and these voices are calling upon you to order dredging, regardless of the cost or consequences. To them, big corporations like GE are evil polluters, who must be punished," even though science indicated no environmental risks at the time GE lawfully used and deposited PCBs.

"This is a tremendous environmental victory," countered the Sierra Club's Chris Ballantyne. "A massive corporation has been very reluctant to accept its responsibility."

Replied syndicated columnist Malkin, "The administration's latest junk science decision should cause Bush supporters to wonder: Is Al Gore secretly manning the EPA?"

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Hudson River project only the beginning

The massive dredging ordered by the Environmental Protection Agency will be the largest dredging project ever ordered and will make the upper Hudson River the nation's most expensive EPA Superfund site. Even so, anti-corporate agitators are already using Whitman's decision as a stepping stone for still larger, more expensive dredging proposals.

Next on the anti-corporate agenda is Michigan's Kalamazoo River. Like the upper Hudson River, PCB deposits in the Kalamazoo River have been buried and entombed by years of sedimentation. However, the same political arguments that prevailed in upstate New York are being applied to the Kalamazoo.

Here, moreover, activists are calling for wholesale dredging along 80 miles of river—more than twice the dredging proposed in the Hudson. The estimated cost to dredge the Kalamazoo is fully \$2 billion, or four times the record cost of the upper Hudson dredging.

In addition to the Kalamazoo River, dredging proponents are targeting a 39-mile portion of a harbor at the mouth of Wisconsin's Fox River. The Wisconsin Department of Natural Resources is considering a plan that includes not only dredging, but additional costly steps to remove PCBs from their sedimentary tomb and relocate the material to new landfills.



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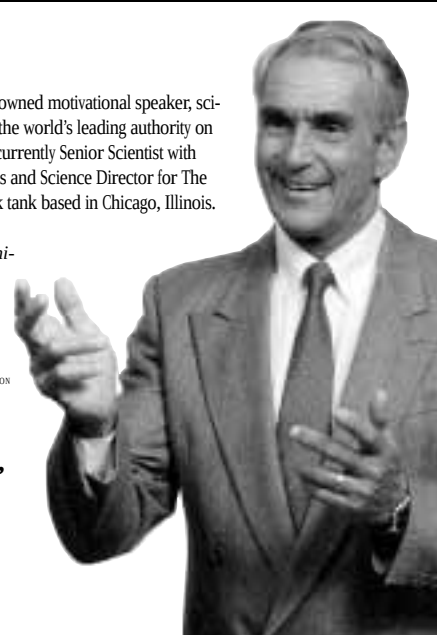
Who is Dr. Jay Lehr?

Dr. Jay Lehr is an internationally renowned motivational speaker, scientist, and author. He is considered the world's leading authority on groundwater hydrology. Dr. Lehr is currently Senior Scientist with Environmental Education Enterprises and Science Director for The Heartland Institute, a nonprofit think tank based in Chicago, Illinois.

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The view from the summit of Yucca Mountain, Nevada. In the year 2010, the federal government hopes to use Yucca Mountain as a nuclear waste storage site for the next 10,000 years. Photo: Chris Polydoroff/St. Paul Pioneer Press

Yucca Mountain clears another hurdle

Nuclear waste storage plan nears showdown in Senate

BY JAMES M. TAYLOR

The U.S. Department of Energy (DOE) has given a favorable safety assessment to a plan that would build a nuclear waste storage facility beneath Nevada's Yucca Mountain. In a report issued August 21, the DOE concluded storing waste at the site would not exceed radiation limits set by the Environmental Protection Agency.

The report, entitled *Yucca Mountain Preliminary Site Suitability Evaluation* (http://ymp.gov/documents/psse_a/index.htm), is "the most significant milestone accomplished to date in the federal government's effort to develop a geological disposal facility," said Joe Colvin, president of the Nuclear Energy Institute.

The DOE report follows closely on the heels of other recent studies indicating the proposed Yucca Mountain facility would be a safe nuclear waste storage site. A June 6 National Academy

"The [Department of Energy] has concluded the proposed facility would expose citizens near Yucca Mountain to less than 1 millirem of radiation per year."

of Sciences report concluded underground storage is safe and the government should act quickly to alleviate accumulating waste in

above-ground temporary storage facilities. A May 4 DOE study recommended the Yucca Mountain site and commenced a public comment period regarding the proposed facility.

Despite the mounting scientific evidence supporting the site's safety, Nevada Democratic Senator Harry Reid vowed to kill the Yucca Mountain proposal. Stated Reid, the Senate Assistant Majority Leader, "The Department of Energy has long since made up its mind that it is willing to manipulate the science and cast aside any veil of objectivity in their zealous pursuit of shipping deadly radioactive waste through America's heartland to Nevada."

"Any decision regarding a permanent repository for this nation's nuclear waste will be made based on sound science," countered Energy Secretary Spencer Abraham. "I am committed to making sure that we arrive at the right decision for America."

In June, EPA announced tougher new standards regarding radiation around the proposed

facility. Radiation exposure would be limited by EPA to 15 millirem per year. By comparison, naturally occurring radiation in brick houses is roughly half that level.

The DOE has concluded the proposed facility would expose citizens near Yucca Mountain to less than 1 millirem of radiation per year. With the new report finding such minimal radiation seepage, Secretary Abraham is expected to formally recommend the Yucca Mountain site to President Bush by the end of the year.

Once Abraham recommends the Yucca Mountain site, the Nevada governor and legislature would have a chance to weigh in on the issue. If Nevada officials oppose the recommendation, as expected, the issue would be decided in the U.S. Senate. A simple Senate majority would be required to affirm the proposal.

"After nearly 20 years of in-depth scientific investigation of every environmental facet of Yucca Mountain, there is no reason for further delay," stated Colvin.

Opinion: What ever happened to common sense?

BY PAUL DRIESSEN AND NICK NICHOLS

Has America lost its moral compass, its sense of priorities... its common sense?

We send our military men and women off to the Middle East to be maimed and killed by terrorists and Scud missiles, while protecting our interests in this vital oil region. But we fret over drilling in Alaska's Arctic National Wildlife Refuge, because it might disturb the caribou—even though ANWR could contain enough oil to replace 58 years of imports from Saddam Hussein, and fuel every car and truck in California for nearly as long.

We insist that new electrical generating plants in California, Florida, and New England burn natural gas, rather than coal. But then we ban exploring for potentially huge natural gas deposits in coastal waters off those same states, as well as in most of Alaska, the eastern Gulf of Mexico, and our western states. And we wonder why natural gas prices skyrocketed last winter.

ANWR drilling and political correctness

We accept at face value Gwich'in Indian claims that drilling in ANWR's flat, desolate coastal plain will somehow affect their traditional

lifestyles. But we ignore the views of Inuit Eskimos who actually live in ANWR—and favor drilling by an 8:1 margin.

We don't dare mention that the Gwich'in leased a million acres of their own tribal lands for oil drilling back in the 1980s. How would wintertime drilling some 300 miles away from their villages harm their native culture, but year-round oil development in their own backyard has no adverse effects?

We ignore the fact that the Gwich'in are being bankrolled by environmental groups and fat cat foundations to speak out against ANWR oil activities. We are too polite or politically correct to mention that the Audubon Society has been producing oil and gas in its own Rainey Wildlife Refuge for decades, with no ill effects on the rare and endangered species that reside there—such as the Alaskan snow geese that winter in Rainey and spend their summers in ANWR.

A tale of two issues: Arsenic and CAFE

We rant about theoretical cancer cases from amounts of arsenic in drinking water equivalent to about ten little bottles of Bic Wite-Out in a million gallons of water. But we blithely ignore

the specter of thousands of real deaths in cars that will be downsized even further if Congress legislates new fuel efficiency standards.

Two years ago, *USA Today* reported that Corporate Average Fuel Economy (CAFE) standards have caused over 40,000 deaths since 1975. The standards forced automobile manufacturers to build smaller, lighter cars that got better mileage but were far more deadly in collisions with trees, walls, trucks, buses, and other cars.

The message from environmentalists seems to be kill, but don't drill. Grieving families, but contented caribou. Soaring imports, but happy limousine liberals.

Global whining

We worry about global warming because of attention-grabbing headlines and computer-generated worst-case scenarios—with virtually no actual evidence to back it up. The global warming scare is clearly the most powerful weapon the radicals have yet devised for their war against free enterprise, air conditioners, cars, and the U.S. lifestyle.

But it flies in the face of government studies that say the Kyoto climate treaty would reduce

hypothetical warming by only 0.1 degrees below what it would be by 2050, while costing our economy millions of jobs and \$340 billion a year.

The Crisis Creation Industry has had free rein for too long. It is time to confront their

"The global warming scare is clearly the most powerful weapon the radicals have yet devised for their war against free enterprise, air conditioners, cars and the U.S. lifestyle."

hypocrisies, challenge their baseless assertions, and hold them to the same standards of truth and accountability that govern the rest of civilized society.

Paul Driessen is a senior policy analyst for the Committee for a Constructive Tomorrow and principal of Global-Comm Partners in Fairfax, Virginia. Nick Nichols is CEO of Nichols-Dezenhall crisis management in Washington, DC and author of Rules for Corporate Warriors: How to fight and survive attack group shakedowns, due out this fall.

CARA double-talk prevails

BY CHUCK CUSHMAN

Montana's new Congressman, Denny Rehberg, recently faced a tough vote. He had to choose between fulfilling campaign promises or fitting in with the dominant culture in Washington, DC.

With friends like this

Instead of standing up and fighting for Montana, Rehberg chose the easy way out. He voted in favor of a 15-year trust fund that hands over \$3 billion, guaranteed every year, to the liberal elite big-government crowd. And now he is trying to double-talk his constituents into believing he is actually helping them.

The legislation Rehberg voted for is called CARA, the Conservation and Reinvestment Act. However, CARA has been nicknamed the Condemnation and Relocation Act, since it includes over one billion dollars per year for state and federal land acquisition agents to condemn private property.

And that's not all. There is also millions in grant money—guaranteed each year if CARA were to become law—for every left-wing environmentalist outfit around, all in the name of "conservation." Here are a few of the most prominent organizations supporting the CARA Land Grab:

- Defenders of Wildlife—Their top priority for many years has been wolf reintroduction into traditional ranching areas.
- The Wilderness Society—They advocate locking up public lands into wilderness and prohibiting commercial and nearly all recreational access.
- Americans for Heritage and Recreation—Their Guiding Principles "adamantly oppose any restrictions" on land acquisition, "especially those that require new authorizations or prevent condemnation."

Spinning constituents

Now, here comes the double-talk.

In a letter to constituents attempting to justify his vote for CARA, Rehberg claims, "CARA will add key private property rights protections not found in current law."

It is true there are improved provisions in one small part of CARA that require public notification before a land grab, and a clause that requires agencies to inventory lands in Montana before proceeding with acquisition.

But here's the rest of the story: Those weak "protections" apply to only one-seventh of the bill! Only one dollar of every seven in CARA is covered by these so-called protections.

Renee Daniels-Mantle, a rancher who testified in Congress against CARA, called them "decoration." And Senator Don Nickles of Oklahoma, who fought against the bill alongside Montana's Conrad Burns, referred to them as "just a head fake."

Rehberg claims "CARA funds fully the PILT [payment in lieu of taxes] program, designed to compensate counties for lost tax revenue due to federal land ownership." This is true, but there's a twist. CARA provides over three times more funding for land acquisition than it does for PILT! If CARA becomes law, the erosion of the tax base in rural areas will accelerate. PILT

money will not come close to keeping up with the loss of property tax revenue and decline in economic activity as land is taken over by the government.

Sportsmen oppose CARA

Rehberg claims "CARA enhances opportunities for sportsmen by helping to provide a comprehensive approach to wildlife conservation funding." CARA does guarantee a fire hose of money for wildlife management agencies, but many think it will hurt more than help sportsmen.

Ray Arnett, for example, is a former executive vice president of the National Rifle Association. He served in the Interior Department under President Ronald Reagan. Arnett wrote to Rehberg and all House Resources Committee members, "animal rights activists will target for acquisition the fish and game clubs, leases, and

"Instead of standing up and fighting for Montana, [Congressman Denny]

Rehberg chose the easy way out.

He voted in favor of a 15-year trust fund that hands over \$3 billion, guaranteed every year, to the liberal elite big-government crowd."

other private land where hunting is permitted, then lobby Congress and government agencies for the elimination of any consumptive use of wildlife." Gun Owners of America opposes CARA because it will "encourage condemnation of private property which is being used for firing ranges."

As a candidate, Denny Rehberg said, "If you take a look at the statistics, indications are that no one in America works as hard and has less to show for it than Montana working families. We lead the country in the percentage of people with multiple jobs and we're close to the bottom in per-capita income."

But after only eight months in office, Rehberg has forgotten his promise to help Montana's economy. The environmental establishment financed by CARA will use the Endangered Species Act, lawsuits, and land acquisition to cut off access and utilization of both private and public property. This will damage Montana's tourist, agricultural, and mining industries, and keep the state near the bottom of national income levels.

Rehberg wrote to constituents that his vote for the CARA Land Grab "was one of the most difficult decisions I've made during my nearly 25 years in public service." He voted to enrich the Washington, DC liberal establishment over the economy and property rights of Montanans. Double-talking Denny now faces an even more difficult task: explaining why anyone should believe anything he says.

Chuck Cushman is executive director of the American Land Rights Association.



"Shrub Man" out of jail

Zoning ordinance violator forced to sell part of golf range

BY JAMES M. TAYLOR

John Thoburn, the "Shrub Man" of Reston, Virginia who was sent to jail for violating zoning ordinances on the planting of trees, has been released from jail but must sell part of his golf range to cover his mounting legal expenses.

Thoburn spent three months in a Fairfax County jail for refusing to plant the requisite number and pattern of eight-foot evergreen trees on his property. Prior to being imprisoned, Thoburn contended the ordinance would substantially interfere with the driving range he had previously built on his property.

A judge agreed to release Thoburn from jail upon his consent to have the county plant 200 trees on his property. Ironically, when county officials were entrusted to plant the trees, they did not follow their own zoning ordinance. Thoburn pointed out that aside from planting the trees in a location and manner that seemed purposefully designed to interfere with his business, the county failed to abide by its own eight-foot height requirement. Instead of the stately tall pines prescribed by the zoning ordinance, the county itself planted squat, stumpy trees throughout his property.

"One of the hardest things for me every day when I come out here now is to see the little short Christmas trees the county planted in absolutely ludicrous positions," stated Thoburn.

After Thoburn pointed out the county failed to abide by the very ordinance it cited in sending him to jail, the Fairfax County Department of Planning and Zoning replied, "The mere fact that some of the trees planted by the county may not have been the precise height of the trees listed on the landscaping plan for the subject property is not materially significant. . . .

Exact precision is not required with regard to the location of particular trees, especially on a large property."

Now \$80,000 in debt, Thoburn decided to sell much of his property after the government followed up with still another action against him. The Virginia Department of Transportation (VDOT) has announced that,

"Thoburn spent three months in a Fairfax County jail for refusing to plant the requisite number and pattern of eight-foot evergreen trees on his property."

for reasons allegedly unrelated to his past efforts to assert his property rights, it plans to confiscate part of the property to build an exit ramp for a nearby highway. Thoburn says he does not have the money to fight yet another government effort to interfere with his property.

"We have to look to selling some property. We really don't have any choice," stated Thoburn. "With VDOT taking the corner where I wanted to [build a] batting cage and miniature golf [course], there is no way that I will ever be able to realize that dream here. So it's really prudent for me to look at alternatives in terms of selling the property at this point."

According to Thoburn, the various government actions have amounted to "a lot of double talk and a lot of hypocrisy . . . they really weren't interested in following the rules or the law. It was simply a way of beating up on a small businessman they don't like."

EDITORIAL



BY JAMES M. TAYLOR
MANAGING EDITOR

It is subtle, but persistent. Listen to the language used by the media to describe President George W.

Bush's approach to environmental issues. The language speaks volumes.

As the President embarked on a late-summer vacation, media pundits were scrambling to summarize his first seven months in office. With Bush scoring well with the general public on a number of issues, the media honed in on his environmental record. Among the terms thrown around most often: Bush had been "digging in his heels" on the environment, "pleasing his most conservative constituents" on environmental issues, and "rolling back eight years of environmental progress."

That is what the mainstream press would have us believe... but is it true? It doesn't take a very long look at the administration's record to see the absurdity of Big Media claims.

Last-minute tipoff

To begin with, Bush faced a rash of new regulations approved by former President Bill Clinton in the last days of his Presidency. The nature of last-minute declarations speaks volumes about the substance of the proposals.

Why would somebody wait until the very moment he is being shown to the door to toss out a bevy of new government programs? It's not like the whole body of respected environmental scientists suddenly and coincidentally announced the results of comprehensive, groundbreaking environmental studies in the month or so between the 2000 Presidential election and the January 2001 inauguration.

"Clinton's proposals were made at the last minute because they were too controversial, costly, or devoid of sound science to justify the President staking his own political capital on such items."

Clinton's proposals were made at the last minute because they were too controversial, costly, or devoid of sound science to justify the President staking his own political capital on them. Each of these proposals was sufficiently divisive to alert the President he could not put together a coalition of Democrats and a few Republicans to gain passage of his proposals. By no stretch could the proposals be termed bipartisan or moderate.

Bush's environmental record is a far cry from media portrayals

With most Republicans firmly opposed to the majority of Clinton's last-minute proposals, Bush has demonstrated a remarkable inclination to buck his own party in embracing the Clinton programs. A couple of these issues are particularly noteworthy.

Arsenic and science

For the past 60 years, the federal government has designated 50 parts per billion (ppb) as a safe level of arsenic in human drinking water. Scientific studies had never questioned the 50 ppb standard. A 1999 National Academy of Sciences study concluded extremely high arsenic

studies addressing lower arsenic levels. In the meantime, the administration sought public comment on a 20 ppb standard (a 60 percent reduction from the prior standard), indicating an intent to find a middle ground. For this, the media gave Bush one of the biggest black eyes of his administration.

Playing with PCBs

In New York's Upper Hudson River Valley, General Electric legally deposited PCBs in the Hudson River for decades before PCBs were banned in 1977. Studies have shown that persons in the Upper Hudson River Valley never

For 7 years and 11 months of the Clinton Presidency, the Hudson was just fine with the people in the Clinton EPA. Even so, President

"Science has clearly absolved the Hudson River of any harmful effects of the few remaining PCBs... [and] local residents... overwhelmingly oppose the proposed dredging."



U.S. President George W. Bush tours Moro Rock followed by Secretary of the Interior Gale Norton while visiting Sequoia National Park in California, May 30, 2001. Photo: Larry Downing - Reuters

levels (above the 50 ppb threshold) might harm human health, but the evidence did not demonstrate any harm below 50 ppb. Clinton sat on this report for more than a year before proposing a 10 ppb standard on his last day in office.

With cost estimates of several billion dollars to provide the equipment to meet the proposed standard, and with these costs disproportionately borne by small, western communities who cannot afford the necessary equipment, the Bush administration announced it would temporarily delay implementing the new standard while it awaited results of new

were exposed to levels of PCBs so high as to do them any harm. In the 24 years since GE stopped depositing PCBs in the Hudson River, more than 90 percent of the chemicals have been washed away, and the remaining 10 percent are largely entombed beneath several layers of clean river sediment.

Acknowledging the overall health of the river, the Clinton EPA permitted such activities as swimming, wading, and recreational fishing in the Hudson. Indeed, the agency even approved the Hudson as a safe source of human drinking water.

Clinton in his final days in office proposed massive dredging of nearly 40 miles of river bottom to remove the small amounts of remaining entombed sediment. The new proposal would become the largest and most expensive EPA Superfund site in the nation.

Local residents—the ones who live with the river on an everyday basis and can best decide whether or not they need to be "protected"—overwhelmingly oppose the proposed dredging. Despite all this, the Bush EPA has decided to enforce the last-minute Clinton initiative.

Land Grab Act

Beyond the last-minute Clinton proposals, the new President has puzzled observers and pleased anti-market environmentalists by backing the Conservation and Reinvestment Act, otherwise known as the "Land Grab Act." Taking a page out of Environmental Socialism 101, the President threw his wholehearted support behind a bill that would enable the federal government to use taxpayer money to condemn and purchase private land in the name of environmental conservation.

Evidently, Bush failed to realize the federal government already owns more than 42 percent of the nation's land, including a majority of the land in the western U.S. The government does a remarkably poor job managing the land it already owns. In the words of R.J. Smith of the Competitive Enterprise Institute, "Where is the pressing need for additional land acquisition? How much is enough?"

Conclusion

When the Bush administration decides to act like the Clinton administration, this hardly registers a blip in the mainstream media's coverage of the Bush environmental record. When the administration makes a different decision, the media coverage is a circus.

While Bush has not embraced every item proposed by the extreme anti-market wing of American environmentalists, he has in many cases strode boldly where few level-headed environmentalists have strode before. For this, he deserves some scrutiny, but certainly not for the reasons asserted by the national media.

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Linda Chavez is president of the Center for Equal Opportunity, a non-profit public policy research organization in Washington, DC. She also writes a weekly syndicated column that appears in newspapers across the country (including the *Chicago Sun-Times*), and is a political analyst for FOX News Channel.

Chavez is the author of *Out of the Barrio: Toward a New Politics of Hispanic Assimilation* (Basic Books, 1991), which the *Denver Post* said "should explode the stereotypes about Hispanics that have clouded the minds of patronizing liberals and xenophobic conservatives alike." *The Washington Post* describes Chavez as one of "a new generation of intellectuals [seeking] to question the orthodoxies of the civil rights establishment." Chavez is well known for her syndicated newspaper column and writings for other publications, including the *Wall Street Journal*, *The New Republic*, the *Washington Post*, and *Reader's Digest*.



Mark Skousen:
"The Vindication
of Adam Smith"

Mark Skousen is an investment advisor, author, and dynamic world-renowned speaker. A self-described "almost idealistic" proponent of liberty and political freedom with a Ph.D. in economics, Skousen is actively involved in some of the most prestigious free-market and liberty think tanks in the world.

Skousen is the author of many books, including *The Making of Modern Economics* (M.E. Sharpe Publishers, 2001), *Economic Logic* (Skousen Publishing, Inc., 2000), *Economics of a Pure Gold Standard* (Foundation for Economic Education, 1997), and *Complete Guide to Financial Privacy* (Simon & Schuster, 1983).

Skousen has built a reputation for accurately identifying not only economic and political trends, but also the right investments for the times. *Mark Skousen's Forecasts & Strategies* has grown to become one of the largest financial newsletters in the country.

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Environment & Climate News



October 1, 2001

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Thank you!

During the past three months, nearly \$5,000 has been contributed to The Heartland Institute by *Environment & Climate News* readers responding to my earlier appeal for your help.

Your generosity is greatly appreciated, and it helped produce this issue of *E&CN*. It was not, I regret to say, enough to keep us from reducing the circulation of this issue from the previous level of 45,000 copies to about 30,000.

Every state and national elected official in the U.S., environment reporters at major newspapers, and people who have filled out subscription cards remain on the complimentary mailing list.

Financial restraints were the main reason we reduced circulation, but not the only reason. Our agreement to send three free issues to members of Citizens for a Sound Economy has run its course, so we are looking for new lists of people who might be interested in receiving the paper.

If you know people who might want to receive three free issues, please send us their names and addresses. If you are a member of an organization with a mailing list that might be appropriate for us to mail to, please talk to the leadership of the organization and have them contact me or Latreece Vankinscott at 312/377-4000.

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If you haven't made a contribution yet (or if you're in a position to make another one!), please do so today! We hope to hear from you soon.

Sincerely,

Nikki Saret
Nikki Saret
Publisher

19 South LaSalle
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Chicago, Illinois 60603

Phone: 312.377.4000

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